



HARVARD COLLEGE
LIBRARY



GIFT OF THE
GOVERNMENT
OF THE UNITED STATES

**INVESTIGATION OF COMMUNIST ACTIVITIES
IN THE NEWARK, N. J., AREA—PART I**

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

—————
MAY 16 AND 17, 1955
—————

Printed for the use of the Committee on Un-American Activities

(Index in Part II of this series)



HARVARD COLLEGE LIBRARY,
DEPOSITED BY THE
UNITED STATES GOVERNMENT

SEP 19 1955

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1955

COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

FRANCIS E. WALTER, Pennsylvania, *Chairman*

MORGAN M. MOULDER, Missouri

HAROLD H. VELDE, Illinois

CLYDE DOYLE, California

BERNARD W. KEARNEY, New York

JAMES B. FRAZIER, JR., Tennessee

DONALD L. JACKSON, California

EDWIN E. WILLIS, Louisiana

GORDON H. SCHERER, Ohio

THOMAS W. BEALE, Sr., *Chief Clerk*

PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by such chairman, and may be served by any person designated by any such chairman or member.

CONTENTS

PART I

	Page
May 16, 1955: Testimony of—	
Ernst Stuart Pollock.....	996
Afternoon session:	
Stephen J. Rudich.....	1027
Charles Nusser.....	1043
Lt. John Owens.....	1056
Charles Nusser (resumed).....	1058
May 17, 1955: Testimony of—	
Lewis M. Moroze.....	1068
Louis Shapiro.....	1076
Lewis M. Moroze (resumed).....	1079
James B. McLeish, Sr.....	1087
Afternoon session:	
James B. McLeish, Sr. (resumed).....	1105
William Santora.....	1115
Archer Cole.....	1119
Abraham Alan Burdick.....	1127
Ted Smorodin.....	1137

PART II

May 18, 1955: Testimony of—	
Anthony DeAquino.....	1145
Julius Kolovetz.....	1168
Anthony DeAquino (resumed).....	1176
Afternoon session:	
Gabriel Bloksberg.....	1180
Robert Galina.....	1184
Emil Asher.....	1188
Esther Engle Liss.....	1195
John Paradise.....	1200
Katherine Hoffman.....	1205
Walter S. Poleshuck.....	1214
May 19, 1955: Testimony of—	
David Rocklin.....	1219
Joseph Fisher.....	1226
Robert Lowenstein.....	1270
Afternoon session:	
Perry Zimmerman.....	1283
Estelle Laba.....	1289
Solomon Golat.....	1292
Harold E. Lippman.....	1300
Frances Etta Ormond.....	1305
Joseph F. Job.....	1309
July 13, 1955: Testimony of—	
Walter Barry.....	1313
Index (see part II of this series).....	i

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEWARK, N. J., AREA—PART I

MONDAY, MAY 16, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Newark, N. J.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to notice, at 10 a. m., the United States Courthouse, Newark, N. J., Hon. Clyde Doyle, chairman, presiding.

Committee members present: Representatives Clyde Doyle (presiding) and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel, and Courtney E. Owens, investigator.

Mr. DOYLE. Let the subcommittee please come to order.

According to our committee rules, it is required that the chairman make an opening statement as to what the committee intends to discuss and look into during the hearing.

Let the record show that pursuant to congressional authority, Representative Francis E. Walter, of Pennsylvania, chairman of the Committee on Un-American Activities, House of Representatives, has appointed Representative Gordon H. Scherer, of Ohio, and myself, Clyde Doyle, of California, to act as a subcommittee for the purpose of conducting hearings here in Newark, N. J.

Mr. Walter as chairman of our full committee has been unavoidably detained on other congressional duties in Washington and I, Clyde Doyle, have been designated as the chairman of the subcommittee.

My distinguished colleague, Mr. Scherer, is present, thereby constituting a legal quorum of the subcommittee under the committee rules. The full committee of the House Un-American Activities Committee consists of nine members.

The House Committee on Un-American Activities is charged by the Congress under provisions of Public Law 601, 79th Congress, with responsibility of investigating the extent, character, and objects of the un-American propaganda activities in the United States and the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of domestic origin, and which attacks the principle of the form of government guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

I should interpolate here for the benefit of the newspaper fraternity that you will find from here on that I have added to the original statement.

The hearings to be conducted during the next 3 or 4 days in Newark will inquire into the matter of current leadership of the Communist Party in this area, infiltration by the Communist Party in the fields of labor and education, and certain of the professions and groups commonly known as Communist-front organizations.

Manifestly, neither the current investigation nor committee hearings can possibly be exhaustive or complete. From time to time the committee has investigated Communists and Communist activities within the field of entertainment, labor, education, and also within the professions and the Government.

In no instance has the work of the committee taken on the character of an investigation of entertainment organizations, labor unions, educational institutions, the church or religions, the professions or the Government as such. However, now as in the past, the committee intends to and will investigate Communists and Communist activities and subversive activities wherever it has substantial evidence of its existence, regardless of what area it exists in or who it may be. To do so is our bounden duty and responsibility as a standing and permanent committee of the United States Congress ever since the 79th Congress enacted Public Law 601.

When investigating Communists and Communist activities within certain labor organizations, this committee frequently has been met with the false and unfounded charge by alarmists and partisans within that field that the committee is a group of Fascists and the enemy of labor, that the real purpose of the investigation is to destroy labor unions.

Of course such charges are wholly untrue and without foundation in fact. The United States Congress would not tolerate such a purpose or procedure and this committee is a child of the United States Congress.

Pursuant to its work the committee has carefully refrained from taking part in international disputes within labor unions or controversies between management and labor. Rather, it has confined its inquiries to the ascertainment and identification of individuals in the labor field who were members of the Communist Party and who were using their influence through their labor union membership to promote the objectives of the Communist Party within the field of labor and to the character, extent and objectives of their Communist Party activities, instead of in the interest of their organized labor unions.

In consequence of this type of work in the field of labor and other fields, the committee has already called the attention of the United States Congress to 48 needs for remedial legislation. Forty-four of these 48 needs for remedial legislation have been enacted already into law by the United States Congress.

Every hearing of this committee bears on the duty of the committee to consider the subject of remedial legislation in Congress according to the requirements of Public Law 601. It is a proven fact and can not now be contradicted that members of the Communist Party in labor unions in the United States are expected to and do follow the dictates of the Communist Party ahead of and in preference to their

bounden obligation as members of loyal patriotic organized American labor unions.

Notwithstanding the red-baiting to which this committee is subjected from time to time by its Communist enemies or by some who misunderstand its real purpose, the nationwide backing and support it has received from labor organizations and civic groups have been reassuring. Congress itself supports the committee almost always by unanimous vote of House membership of over 400 American Congressmen.

For example, during the hearings in Seattle, Wash., in June 1954, 43 labor organizations cordially telegraphed the committee during the course of the hearings while in Seattle commending the committee for its work and offering full and active cooperation in the investigation and hearings.

Numerous Seattle civic groups sent similar messages. Another significant development is the considerable number of former Communists who voluntarily come forward all over the Nation to help the committee in its work.

At this point may I say very earnestly and very cordially, that if in the Newark area there is a former Communist who has come to place his Nation ahead of the Communist Party objectives, ahead of the Soviet communism, we invite that person to come forward and interview our worthy counsel, Mr. Tavenner, and our investigator, Mr. Owens, and give us help while we are here in the Newark area.

We would welcome that here as well as all over the Nation.

These communications are printed in the appendix to the committee's investigation in the Pacific Northwest area, a copy of which is on my desk should anyone be interested in examining it.

During the course of the investigation by our trained and experienced staff, prior to these Newark hearings, the committee has been most fortunate in obtaining cooperation and sworn testimony in executive session of an individual who for many years served as undercover agent in the Newark area for the Federal Bureau of Investigation.

During the course of this person's service with the Department of Justice he was able to ascertain the identity of a great many individuals who were active in the Communist Party in Newark and the Newark area.

At the time of his executive testimony before the committee in Washington recently, the witness who had been an FBI operative and agent in Newark for a long time, identified the following Communist Party clubs in Newark as having been active in Newark in recent years to his personal knowledge. I read the list:

West Side Club, Iron Bound Club, Third Ward Club, Professional Section, Doctors' Club, Teachers' Club, Olgin Club, Youth Club, Orange Club, and various other industrial clubs he named in executive session.

This witness alone identified approximately 75 Newark individuals who were active in these clubs of the Communist Party during the witness' period of service to our Government as an FBI agent.

The committee has been asked by the executive branch of our Government to preserve for the time being the identity of this witness. We will, therefore, not now reveal his identity.

In line with this continuing policy of cooperation, between the executive branch of our Federal Government, the FBI, the entire

transcript of this valuable testimony taken by the committee in Washington, will not be released at this time. Certain portions of this executive testimony, however, will be used during these hearings insofar as they have a bearing on the matter under inquiry in this Newark hearing.

Persons who have been subpoenaed to appear before the committee during these hearings are known to us to have knowledge on the matters set forth in my opening remarks. It is the sincere desire of the committee that these individual men called will give this committee of their own United States Congress the benefit of such knowledge.

In so doing they will have fulfilled a high civic duty to their own Federal Government, as well as rendering a valuable service to their own local community and State.

As chairman I would like also to announce at this time as a continuing policy of the committee that any person whose name is mentioned during the course of these hearings is hereby extended an invitation to promptly appear and testify under oath regarding the matter or matters with which his name was mentioned by any witness before this committee.

This committee at all times endeavors to protect the good name of all persons as well as to ferret out the subversive activities of unpatriotic citizens.

This committee is in no sense a court and does not undertake to follow strict court rules of evidence or court procedure. We do insist upon proper conduct and decorum in this hearing room and will not tolerate violations thereof. We request no showing of either approval or disapproval of any testimony.

May I say right here that if any person now in this hearing room, or who comes in later has an idea he or she will cause disturbance, I will give you notice now you will go out the front door in a hurry and you will stay out. I hope that is clear.

Under our committee rules all witnesses may have legal counsel by their side throughout their appearance, but legal counsel so appearing before this committee is restricted to the counseling of the witness as to his constitutional rights. It is the information within the knowledge of the witness under oath which the committee seeks, not the testimony of the attorney for the witness by means of the attorney telling him what to say in answer to questions.

We are always glad to have worthy legal counsel appear in our hearing. In that connection may I say I was very happy this morning, and so was my distinguished colleague, Mr. Scherer, to see by the paper and be informed by our own distinguished counsel, Mr. Tavenner, that the New York Bar Association has appointed a committee to sit in these hearings and to report back to the bar what they see and what they hear, and also that the Newark and New Jersey Bar Associations have a committee.

We are very glad to welcome these committees. Mr. Scherer and I are both members of our bar associations in our respective States and our respective cities.

If there is any information we can give in cooperation with these bar association committees during these hearings, we will be glad to do so. Don't hesitate to interview us or ask us any questions.

We welcome the attendance of these bar association committees throughout these hearings. Furthermore, as all members of this

subcommittee are themselves attorneys with many years of active practice before we first went to Congress, we will welcome at all times the considered opinion of the bar association committees, and we compliment the New York Bar, Newark Bar, and New Jersey Bar in having sent them.

We thank all public officials and agencies who have so ably assisted in the necessary preliminary arrangements for these hearings in this beautiful courtroom, and at a later time I will make a further comment of appreciation, specifically naming some of the busy people who have so actively cooperated.

I might add here I am also informed that one of the bar association committees is here to act as legal counsel for witnesses. We welcome them in that particular the same as the others which I mentioned.

I might say that in Seattle, San Diego, Detroit, Flint, and other places over the country the bar association has done this fine thing, and we are very glad to have them cooperate.

This committee, subject to change, will begin at 10 o'clock, promptly, and adjourn at 12:30; begin again at 2 and adjourn at 5, or approximately 5.

As to photography in the room, the Newark Press and the New York Press, which are here, have already suggested that they realize that the committee rule is that no photography of the witness is to be taken while the witness is testifying. We appreciate that suggestion on the part of the photographers. However, this committee believes in freedom of the press and we see no reason why, this being a public hearing, the picture of any witness or any other person that wants to subject himself to it should not be taken and give the publicity that freedom of the press makes possible.

Are you ready to proceed, Mr. Tavenner?

MR. TAVENNER. Yes, sir.

MR. DOYLE. Mr. Tavenner is chief counsel of our committee and will lead off in the questioning.

Before you do that, Mr. Tavenner, I want to add to my remarks this information: Under rules adopted on March 23 as amendments to the rules of the House of Representatives—that is, to the House rules themselves, not the committee rules, I emphasize that for the benefit of you lawyers largely—on March 23 the rules of the House of Representatives were amended among other things to provide as follows:

Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which shall not be less than two. In other words, the House has bound itself to never have an investigating committee of less than two members. We have done away with one-man investigating committees as far as any House investigation is concerned.

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

In that connection, may I illustrate this. On occasions we as members of the committee have been able to hear over the loudspeaker, unfortunately, lawyers putting words in the mouths of their witnesses. We think that is unethical under the rules of the House, and

we expect legal counsel to conduct themselves ethically before this committee the same as they would in a courtroom.

The chairman may punish breaches of order and decorum and professional ethics on the part of counsel by censure and exclusion from the hearing and the committee may cite the offender to the House for contempt.

In the discretion of the committee witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at the hearing.

Those are some of the new rules that govern this investigation.

Mr. SCHERER. May I say, Mr. Doyle, our committee, however, has had these rules and rules that are much broader and stricter even than the House rules that were read a few minutes ago.

Mr. DOYLE. I am glad you said that, because this committee has had these similar rules in effect ever since July 15, 1953, so that the committee rules were the forerunner of these House rules I have read.

I have a couple of copies of the new House rules for members of the bar if they want them.

Proceed, Mr. Tavenner.

Mr. TAVENNER. I would like to call as the first witness Mr. Ernst Pollock. Will you come forward, please.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POLLOCK. I do.

TESTIMONY OF ERNST STUART POLLOCK, ACCOMPANIED BY COUNSEL, WILLIAM G. WOOD

Mr. TAVENNER. What is your name?

Mr. POLLOCK. Ernst Stuart Pollock. E-r-n-s-t P-o-l-l-o-c-k.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. WOOD. William G. Wood.

Mr. TAVENNER. You are a member of what bar?

Mr. WOOD. New York Bar.

Mr. TAVENNER. When and where were you born, Mr. Pollock?

Mr. POLLOCK. I was born August 15, 1904, in Paisley, Scotland.

Mr. TAVENNER. You are a native of Scotland?

Mr. POLLOCK. Yes.

Mr. TAVENNER. When did you first come to this country?

Mr. POLLOCK. In 1927.

Mr. TAVENNER. Have you lived in the United States constantly since 1927?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. POLLOCK. Yes.

Mr. TAVENNER. When were you naturalized?

Mr. POLLOCK. In 1935.

Mr. TAVENNER. Will you tell the committee, please, briefly what your formal education training has been?

Mr. POLLOCK. You mean my school days?

Mr. TAVENNER. Yes.

Mr. POLLOCK. I went to school when I was 5 years old, I believe, and I left when I was 14, attended night school for some years after that, learned a trade, and attended night school, taking up mechanical drawing and things of that sort.

Mr. TAVENNER. What has been your employment since 1935?

Mr. POLLOCK. I have been employed in a machine shop, up until around 1940 or 1941 when I became an organizer for the International Electrical Workers Union.

Mr. TAVENNER. When did you become organizer for the United Electrical, Radio and Machine Workers of America?

Mr. POLLOCK. 1941 or 1940, I am not positive. I became an international field organizer at that time.

Mr. TAVENNER. Just prior to your becoming employed as an organizer for the union, what was the nature of your employment?

Mr. POLLOCK. I worked in Continental Electric Co. as a die repairman, working between punch presses and the machine shop—tool room work.

Mr. TAVENNER. Were you active in organizational work prior to your becoming employed by the UE?

Mr. POLLOCK. In the plant I worked in, there was an attempt to organize the plant and I assisted in trying to help the people, help sign up the people into the union.

Mr. TAVENNER. Was that the occasion when the UE organized the plant in which you were working?

Mr. POLLOCK. No; not originally. Sometime around 1935 an attempt was made to organize the plant by a union which was not the UE. I don't know the name of that particular union. But the union drive failed at that time. We were unable to organize the plant. In 1937 the plant was organized by the UE.

Mr. TAVENNER. Then you were a member of the UE in that plant from 1937 until 1941 when you became employed as an international organizer?

Mr. POLLOCK. That is correct.

Mr. TAVENNER. How long did you remain a member of the UE?

Mr. POLLOCK. Up until 1951 or 1952. I am not positive on that date.

Mr. TAVENNER. Are you a member of any union now?

Mr. POLLOCK. Yes.

Mr. TAVENNER. What union is it?

Mr. POLLOCK. IUE. That is the union that became the union from the UE. They broke away the union from the UE.

Mr. TAVENNER. Is that union from your shop?

Mr. POLLOCK. Yes. I work in a shop at the present time, and I am a member of the IUE. The union has a contract with the company, and union membership is mandatory in order to hold your job.

Mr. TAVENNER. Did you hold any positions in the UE other than that of international organizer?

Mr. POLLOCK. Yes. Three months after I was appointed international organizer I became business agent of local 437 of the UE, or business representative was the correct title.

Mr. TAVENNER. Did you hold any other positions in the UE?

Mr. POLLOCK. Yes; a number of positions. I was at one time financial secretary-treasurer of district 4.

Mr. TAVENNER. Will you tell the committee, please, what area district 4 of the UE embraces?

Mr. POLLOCK. New York, New Jersey area as far south as Trenton.

Mr. TAVENNER. Was that an elective position or an appointive position?

Mr. POLLOCK. The financial secretary, you mean?

Mr. TAVENNER. Yes.

Mr. POLLOCK. It was an elective position, elected by the district, the delegates to the district council.

Mr. TAVENNER. Not elected by the rank and file membership?

Mr. POLLOCK. No.

Mr. TAVENNER. What was the manner of your appointment or election to the position of business agent of local 437?

Mr. POLLOCK. I was elected by the membership in local 437, which consisted of a number of plants in the Newark area.

Mr. TAVENNER. You spoke of having been international organizer for the UE from 1940 or 1941. Was that an appointive position?

Mr. POLLOCK. That was an appointed position. I only held that position about 3 months. As a matter of fact, that was part of the agreement to be appointed and then amalgamate a number of small 1-shop, 2-shop locals into an amalgamated local and then to be elected business agent of that particular local.

Prior to that I was president of my own local in Continental Electric Co., although I still worked in the shop.

Mr. TAVENNER. As president of your own local did you receive a salary?

Mr. POLLOCK. No.

Mr. TAVENNER. You still worked full time in the shop?

Mr. POLLOCK. That is correct.

Mr. TAVENNER. Mr. Pollock, were you a member of the Communist Party at any time during the period that you held these various offices in the United Electrical Radio and Machine Workers of America?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you became a member and what relationship there was between your membership in the Communist Party and any of the positions in the UE which you held?

I suggest you begin at the beginning and just tell the committee all that you know about it.

Mr. POLLOCK. Well, when I was approached to come out of the shop it was on the understanding that I would be an international organizer and then in 3 months, as I stated before, the shops were to amalgamate, and I was to be elected business agent of that amalgamated local.

After I decided to come out of the shop, I was advised that I had to make application to the international union to become an international field organizer. I was also advised that it would be to my advantage to belong to the party.

Mr. SCHERER. What party?

Mr. POLLOCK. The Communist Party.

Mr. SCHERER. Who advised you?

Mr. POLLOCK. Neil Brandt, the international organizer.

Mr. SCHERER. He was international organizer at that time for what union?

Mr. POLLOCK. UE.

Mr. SCHERER. What year was that?

Mr. POLLOCK. 1940 or 1941, I am not positive on the date.

Mr. TAVENNER. B-r-a-n-d-t?

Mr. POLLOCK. Yes.

Mr. TAVENNER. And the first name is Neil?

Mr. POLLOCK. N-e-i-l, I believe is the way you spell it.

Mr. SCHERER. Where is he today?

Mr. POLLOCK. I don't know, I haven't see him in years, I don't know how many years.

Mr. SCHERER. You have no knowledge of his present whereabouts or his present connection?

Mr. POLLOCK. Absolutely none.

Mr. TAVENNER. Let us go back just a little.

At the time you were approached to come out of the shop and accept a position in the UE, you were well employed, were you not, in the shop?

Mr. POLLOCK. I had been approximately 10 years in that plant and had a fairly good job.

Mr. TAVENNER. At the time that you gave up your job in the plant, was there any means by which you could get your employment back in the event you got out of the position of international organizer of the UE, as far as you knew?

Mr. POLLOCK. No. We requested the company to let me have a leave of absence. We didn't have a signed contract with the company and the company refused to give me a leave of absence.

Brandt advised me that if I quit my job they would then, when they did sign a contract some months later, they would make that one of the provisions in the contract. As a matter of fact, it was provision in the contract that Ernst Pollock be given a leave of absence retroactive to the date that I had quit my job and the company in bargaining still refused to give it and we eventually, I was advised to give it up in preference to a couple of cents more increase.

Mr. TAVENNER. That is, a couple cents more increase as an employee of the UE?

Mr. POLLOCK. A couple more cents increase to the workers at that time. They in bargaining for the contract, those were the only two issues that remained to be settled, the question of my leave of absence and wages. So they bargained away my leave of absence for a couple of cents more.

Mr. SCHERER. When Brandt made this suggestion to you that it might be advisable to join the Communist Party, had your application for position as international organizer been acted upon at that time, or was that simultaneous with filing the application?

Mr. POLLOCK. I would say it was simultaneous. I was already out of the shop but I had not been officially appointed international field organizer.

Mr. SCHERER. Did you understand that perhaps the granting of your application and your employment as an international organizer depended upon your joining the Communist Party? Was that impression left with you?

Mr. POLLOCK. I felt that the implication was that I had to belong or I couldn't have a job. I would be out of a job.

Mr. SCHERER. Did you join the party then?

Mr. POLLOCK. No; I said I would think it over.

Mr. SCHERER. Did you get your job as international organizer before you joined the party?

Mr. POLLOCK. I was working for the international, actually working for the international so I was on the job. I don't know if I make myself clear.

Mr. SCHERER. You got the job before you joined?

Mr. POLLOCK. Yes.

Mr. SCHERER. Did you indicate you were going to join?

Mr. POLLOCK. I said I would think it over. I didn't give any definite answer.

Mr. SCHERER. When, with relation to the time that you started to work for the international, did you join the party?

Mr. POLLOCK. A few weeks later.

Mr. SCHERER. Only a few weeks elapsed?

Mr. POLLOCK. Yes.

Mr. SCHERER. Did Neil Brandt assist you in getting into the party or suggest where application could be made?

Mr. POLLOCK. No.

Mr. SCHERER. How did you get into the party?

Mr. POLLOCK. I was coming to that.

Mr. TAVENNER. May I interrupt and ask a question before he gets to that?

At the time that you were asked to give up your job in the shop and take the position of international representative, had anything been said to you about joining the Communist Party? That is at the time you were asked to give up your job.

Mr. POLLOCK. No, not at that particular time.

Mr. TAVENNER. Had you ever had any connection with the Communist Party prior to that time?

Mr. POLLOCK. No.

Mr. TAVENNER. Did you know anything about the Communist Party in the area of Newark at the time you were asked to give up your job in the shop and become an international representative?

Mr. POLLOCK. No.

Mr. DOYLE. May I ask one question there? I am not clear as to the position Mr. Neil Brandt held at the time with the International UE. What was his official position at the time he told you it would be to your advantage to join the party?

Mr. POLLOCK. To the best of my knowledge, he was the international representative in this area.

Mr. DOYLE. What do you mean by, "this area"?

Mr. POLLOCK. In the Newark area. His work was coordinating the work of the organizers in the union in this area.

Mr. DOYLE. Did the area include more than the State of New Jersey?

Mr. POLLOCK. At that particular time I don't know what the area included, because the district was formed later than that.

Mr. TAVENNER. Mr. Pollock, to be certain that we understand just what the situation is, up to the point where you took the position, nothing was said to you about being a member of the Communist Party until after you gave up your job?

Mr. POLLOCK. That is correct.

Mr. TAVENNER. How long was it after you gave up your job that Neil Brandt advised you that you had to file a formal application with the national headquarters of the UE?

Mr. POLLOCK. It was only a matter of days, a few days.

Mr. TAVENNER. What did Brandt tell you, again, with respect to the Communist Party?

Mr. POLLOCK. He told me that now that I was out of the shop I could kiss the machine shop goodbye, that was his set words. However, it would be to my advantage to belong to the party, the Communist Party. I told him that I had never thought about it and I would think it over. If you want me to go on from there—

Mr. TAVENNER. Just go ahead from there.

Mr. POLLOCK. About 2 or 3 weeks later, I received a phone call from a man by the name of Steve Rubicki or Rubik.¹ I don't know how to pronounce his name.

Mr. TAVENNER. I want to get the spelling of the name.

Mr. POLLOCK. I couldn't swear to the spelling. I don't know the exact one. Sometimes we call him Steve Rubico, sometimes Rubik. I don't know the correct way to spell his name. I received a phone call from him and I think, to tell you how I knew him, he was active in the other union that I had spoken about and was the organizer trying to organize the shop that I worked in back in 1935 when that particular union was unable to organize the plant.

He knew of me and I knew of him. He called me and asked me to come down to his office, that it was very important, he had something very important to tell me. He wouldn't give me any information over the phone.

I was a little bit alarmed about it and I took my wife with me. I asked my wife to go with me. We went to his office and he told me that now that I was in the UE, an organizer—incidentally, he speaks broken English worse than I do—I just didn't understand exactly what he was saying but he is a very aggressive type of fellow, big fellow, and he said I had to be a member of the party now that I was an organizer for the UE.

He grabbed me around the neck and he ran me up Springfield Avenue to a tavern there on West Street, and we went through the back of the tavern and upstairs into a little room there, and he presented me with an application card and told me that it would be to my advantage to belong to the party, I had to be in the party, I had become a big organizer, and so on and so forth. So I signed the card at that time.

Mr. TAVENNER. What year was that?

Mr. POLLOCK. That was 1940 or 1941, just shortly after I got into the UE.

Mr. SCHERER. What was Steve Rubic's position at that time? What was he doing?

Mr. POLLOCK. He was an organizer for the UE.

Mr. SCHERER. Do you know where he is today?

Mr. POLLOCK. No; I haven't seen him in maybe 10 years, I don't know, many years since I saw him.

¹ Correct spelling of this name is Rubiez.

Mr. TAVENNER. Had your application been acted on and your formal appointment as an international representative received before you joined the Communist Party?

Mr. POLLOCK. I never learned whether my application was acted on or not. I do know that 3 months later I received a letter from the international director of organization telling me that I was now discharged and wished me a lot of luck with my new local, and by that time I had been elected business representative of the newly formed amalgamated local.

Mr. TAVENNER. Do you know who was the president of district 4 of the UE at the time of the incident you described?

Mr. POLLOCK. I would like to consult counsel.

(The witness consulted with his counsel.)

Mr. POLLOCK. I don't know if they had a president at that particular time because district 4 was organized later on, later than this. I don't know if they had a president at that time.

Mr. TAVENNER. After you became a member of the Communist Party were you assigned to any group or club of the Communist Party?

Mr. POLLOCK. Yes. A few weeks later, probably days, I don't recall, I was advised by Brandt again that there was a meeting. He said to me one day, I went into the district office and he said to me, "Congratulations, I hear you are in." I understood what he meant. Then he told me that there was a meeting and the particular night that I had to attend, and I made arrangements to meet him at the district office on that particular night.

When I went to the district office he wasn't there but there was another organizer there who told me that Brandt has been detained some place and he was going to take me to the meeting. So I went to the meeting with him and Brandt was there at the meeting.

Mr. TAVENNER. Who was the other organizer?

Mr. POLLOCK. A fellow by the name of Jules Nice. Don't ask me to spell his name, either.

Mr. TAVENNER. What is the last name?

Mr. POLLOCK. I think it is Nice or Nydes.

Mr. TAVENNER. We understand if you have never seen the name in writing that your spelling would be purely phonetic, but what would be the phonetic spelling of the name?

Mr. POLLOCK. I would say it was Nydes or something of that sort. N-y-d-e-s. I am not positive.

Mr. TAVENNER. You went to the meeting?

Mr. POLLOCK. Yes, sir.

Mr. TAVENNER. Where was the meeting held?

Mr. POLLOCK. In Newark on Broad Street. It was above the Howard Jewelry Store, I believe, opposite the city hall there. I don't know the number. It was upstairs behind or above the Howard Jewelry Store.

Mr. TAVENNER. It was not a private home?

Mr. POLLOCK. No; it was some kind of office space. It was an office.

Mr. TAVENNER. Do you know whose office it was?

Mr. POLLOCK. Well, it was the Communist Party office, I am pretty sure of that from the literature that was laying around and the placards around the walls and the like.

Mr. TAVENNER. What do you mean by placards on the wall?

Mr. POLLOCK. There were posters on the wall and around inside of the office.

Mr. TAVENNER. Were there documents around?

Mr. POLLOCK. Yes.

Mr. TAVENNER. At least it was a room being used by the Communist Party as a meeting place?

Mr. POLLOCK. I am sure it was a meeting place of the Communist Party.

Mr. TAVENNER. Will you tell us what occurred at the meeting?

Mr. POLLOCK. Brandt was there and Nydes, and there was a woman who was introduced to me as an organizer of the Communist Party. Her name was Lena Davis. She congratulated me again and told me that I would be assigned to an electrical branch of the party. She explained to me that there were a number of branches, depending on what field you were in, and I was in the electrical field and therefore I would be assigned to an electrical branch of the Communist Party.

Mr. TAVENNER. Were you actually assigned to and met with the electrical branch of the Communist Party?

Mr. POLLOCK. Yes. I met frequently with various members, the members, as I understand it, of the electrical branch. I discovered that most of them, in fact I think all of them that I came in contact with were also members of my local union of the electric 437.

Mr. TAVENNER. Had you known they were members of the Communist Party before you attended meetings with them?

Mr. POLLOCK. No.

Mr. TAVENNER. Were you assigned to any other branch of the Communist Party during the period you were in the party?

Mr. POLLOCK. No. That was the only branch or club, as I understand it. Later on they disbanded something and it became something else, I don't know what, a political club or association or something.

Mr. TAVENNER. Communist Political Association?

Mr. POLLOCK. I believe that was the title.

Mr. TAVENNER. That was just prior to the ouster of Browder, wasn't it?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Then after the receipt of the Duclos letter the Communist Party cells were reorganized again?

Mr. POLLOCK. I don't know the reason for it. I am not sure I know who Duclos was. Who was Duclos?

(The witness consulted with his counsel.)

Mr. POLLOCK. I don't know.

Mr. TAVENNER. At any rate, you continued after 1945 with this same group of the Communist Party.

Mr. POLLOCK. Yes.

Mr. TAVENNER. Was this still known as the Electrical Club of the Communist Party?

Mr. POLLOCK. It may have been electrical branch or club, I am not sure. I know we didn't take any formal vote or anything to change the name or anything.

Mr. TAVENNER. How long did you remain a member of the Communist Party?

Mr. POLLOCK. I was in from 1940 up until—then there was that little period where we kind of dropped away, and then we started over again, and up around 1948 or 1949 I dropped out completely.

Mr. TAVENNER. Have you had any connections with the Communist Party since the date you dropped out in 1948 or 1949?

Mr. POLLOCK. Absolutely none.

(The witness conferred with his counsel.)

Mr. TAVENNER. I am going to ask you more later.

Mr. POLLOCK. My counsel just advises me that in 1950 I officially, by letter, resigned from the party.

Mr. TAVENNER. I am going to ask you in detail about the circumstances of your leaving the party, and why, a little later on, but I wanted to make it plain now to the committee that you were in the Communist Party for a period of time and then withdrew from the Communist Party.

Will you go back to your early meetings of the Electrical Club of the Communist Party and tell the committee all you can recall about the nature of those meetings?

Mr. POLLOCK. The meetings were a group of people that were members of the local union who met prior to the meeting of the local executive board; most of them were also members of the local executive board; and there we discussed the agenda to be taken up at the executive board meeting. I don't know if I have made myself clear.

Mr. TAVENNER. I am sure you have. If I understand you correctly, you are saying that the members of this club of the Communist Party met and decided what the agenda should be on the executive committee of your local union.

Mr. POLLOCK. That is correct. Someone came to the meeting with a letter which we called the "org" letter. I believe it was an abbreviation for organizational letter, and there we discussed this letter, and from that we decided on the agenda for the executive board meeting.

Mr. DOYLE. May I ask there, do I understand you to be testifying that a group of Communists in your union, some of whom were officers in your electrical union, were holding a premeeting or sort of caucus to determine what the union should do?

Mr. POLLOCK. That is correct.

Mr. DOYLE. How many Commies were in that group that decided what their union should do as Commies instead of as union members?

Mr. POLLOCK. It varied from time to time.

Mr. DOYLE. About how many?

Mr. POLLOCK. I would say approximately 7 or 8.

Mr. DOYLE. Mr. Scherer, this is a case where a bunch of Commies in organized labor were putting the Commie subversive program ahead of the union's welfare and were dictating to the union.

Mr. SCHERER. Haven't we found that to be true in all areas of the country where Communists infiltrated and dominated and controlled the unions?

Mr. DOYLE. I should think that any patriotic American citizen in organized labor would rise up and not only resent that sort of dictation by a foreign conspiracy, but would do something about it. Some of them are smiling when I say that. I mean it, sir.

Mr. SCHERER. Didn't Robert Klein testify in Kansas City, if I recall correctly, that he was sent by the Communist Party to infiltrate the

union at the General Electric plant at Schenectady. When asked why the Communist Party wanted to control that union, didn't he respond that in time of war production could be accelerated if we were an ally of Russia, and if Russia were an enemy then sabotage could be more easily accomplished? Do you remember his testimony?

Mr. DOYLE. But, Mr. Scherer, here is another case where American labor organizations, where members of organized labor in our country, sworn to work for the best interests of organized labor, are here again putting the interests of the subversive Communist Party ahead of the interests of the American workingman.

Mr. SCHERER. That is what was done at Schenectady, according to the testimony of Mr. Klein, who was a high functionary of the party and became the active and predominating force in that local for many years.

Mr. TAVENNER. The rank-and-file membership of your union knew nothing about the activity of this group of Communists who were deciding ahead of time what action should be taken by its council, did it?

Mr. POLLOCK. The executive board acted between meetings and this group met prior to the executive board meeting, and as I stated they discussed this org. letter that had come from the Communist Party prior to the executive board meeting, and then whatever decisions were made were made by the executive board, finally, the executive board of the local which had in it this nucleus of Communist Party members.

Mr. DOYLE. In other words, the executive board was dominated by the Communist Party caucus, whatever they decided?

Mr. POLLOCK. More or less, depending on the attendance at the executive board meeting.

Mr. DOYLE. Depending on the number of Commies present at the executive board meeting?

Mr. POLLOCK. Usually there were enough to outvote anybody, any of the executive board members who were there.

Mr. TAVENNER. Will you tell the committee, please, who brought this organization letter, as you call it, to the Communist Party meetings?

Mr. POLLOCK. The person, you mean?

Mr. TAVENNER. Yes, if you know.

Mr. POLLOCK. A fellow by the name of John Perone. P-e-r-o-n-e. I believe that is the correct spelling.

Mr. TAVENNER. Was he a member of the UE?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Did he hold any official position in the UE?

Mr. POLLOCK. In the local union he held the position of financial secretary and was also a member of the executive board.

Mr. TAVENNER. How many of the persons who were members of this cell of the Communist Party were on the executive board of the local union?

Mr. POLLOCK. Offhand I would say all of them were.

Mr. TAVENNER. How many members were there on the executive board?

Mr. POLLOCK. I would like to speak to my counsel, if I may.

(The witness conferred with his counsel.)

Mr. TAVENNER. I am speaking of how many persons constituted the executive board.

Mr. POLLOCK. That would be very difficult for me to say, but roughly I would say that there was supposed to be around 50 or 60. Supposed to be on the executive board, because according to the constitution every shop within the local was entitled to certain representation on the executive board. If you are asking me how many attended meetings, that is a different story.

Mr. TAVENNER. That is my next question. How many of the members of the executive board normally attended the meetings?

Mr. POLLOCK. That varied from 7 to 15. Seven was a quorum.

Mr. TAVENNER. When 7 of them attended, were all 7 members of your Communist Party cell, usually?

Mr. POLLOCK. Sometimes, yes; sometimes no. They were not all there. Very often there were 14 there and 3 who were not, and vice versa. I can't say that there was always just the same seven.

Mr. TAVENNER. The committee would be interested to know how just 7 members of this Communist Party group could control or influence the action of the executive board composed of maybe 40 or 50 people.

Mr. POLLOCK. Well, those people didn't show any interest in the union and didn't come to the executive board meetings.

Mr. TAVENNER. Did the Communist Party members go to those meetings?

Mr. POLLOCK. Yes, they regularly attended meetings, especially if there was an issue coming up or something of that sort. They made it a point to be at the meeting.

Mr. DOYLE. Maybe, Mr. Pollock, this is another case where the loyal patriotic members of your union realized, or recognized, although they may not have known what really existed, something was going on to control their executive board meetings, but had reached the point where they thought, What is the use? We can't do anything anyway.

Mr. POLLOCK. That could be.

Mr. DOYLE. That is the history of the Communist Party domination of some labor unions.

Mr. TAVENNER. Did your group of the Communist Party succeed at any time in having your local union—that is, the executive board of your local union—make donations of any character to the Communist Party or to any of the projects in which the Communist Party was interested?

Mr. POLLOCK. Yes. There were various requests for contributions to one thing or another. I don't recall exactly the specific cause that it was supposed to be for, but the question would be raised at the Communist Party meeting and then brought to the executive board meeting, and the contribution was made, or we would have a speaker at the meeting on that particular issue.

Mr. TAVENNER. You mean you would have a speaker at your executive board meeting on the project that the Communist Party was interested in?

Mr. POLLOCK. Yes, that is correct.

Mr. TAVENNER. Who would select the speaker for the occasion?

Mr. POLLOCK. I don't know where the speaker came from originally.

MR. TAVENNER. Were there members of your executive board who opposed the donations which were being sponsored by the Communist Party members?

MR. POLLOCK. On occasion there was some opposition.

MR. TAVENNER. How did you overcome the opposition?

MR. POLLOCK. Well, in some cases if we thought there was going to be a great deal of opposition we would get together in a hurry just prior to the meeting and decide not to raise the question, and we would raise it at some other time when they were not present.

MR. TAVENNER. That was a rather successful way of getting what the Communist Party wanted, isn't that right?

MR. POLLOCK. There were occasions when we knew some people would oppose certain things and we just didn't raise it at that particular time.

MR. TAVENNER. Can you recall any of the specific donations or contributions that were made by the executive board as a result of Communist Party action?

(The witness consulted with his counsel.)

MR. POLLOCK. Are you talking specifically of contributions to publications or something of that sort?

MR. TAVENNER. That is one thing I had in mind.

MR. POLLOCK. I recall one particular case where the question of the Daily Worker or the Sunday Worker, which is the Communist Party publication, being discussed in Communist Party groups, the electrical group, and there it was suggested that the executive board members should be asked to take contributions for the Daily Worker or the Sunday Worker, and after some discussion we came to the conclusion that it would be impossible to get workers to contribute \$3 or \$6 or whatever it was for a half year or yearly subscription.

MR. TAVENNER. That is to pay it individually?

MR. POLLOCK. Yes, out of their own pocket. They decided the question should be raised on the basis of the goods of the paper to the trade unionists and so on, and then the executive board should contribute a subscription for the regular board members and that is what happened. At the executive board meeting the question was raised, and if I recall correctly, we had a speaker from the Daily Worker speaking at the executive board meeting.

MR. TAVENNER. Executive board meeting of the union?

MR. POLLOCK. Yes.

MR. TAVENNER. Do you recall his name?

MR. POLLOCK. No, I don't.

MR. DOYLE. What is the Daily Worker paper, Mr. Tavenner?

MR. TAVENNER. It is the official organ of the Communist Party.

MR. DOYLE. Was it then?

MR. TAVENNER. It was then, yes, sir.

MR. DOYLE. I have heard of it before, but I merely wanted to have the record show what he is talking about.

(The witness consulted with his counsel.)

MR. POLLOCK. There were two other publications that I can recall where the same thing happened. There was a little two-page leaflet thing that used to come out "In Fact" was the name of it. Then there was the "March of Labor".

Mr. TAVENNER. March of Labor, Mr. Chairman, was the same paper which this committee made a report to Congress on last year as a Communist-controlled publication.

Mr. POLLOCK. To my knowledge, they were not publications of the union like the official publication of the UE News or something of that sort. They were not official publications of the union.

Mr. TAVENNER. As a result of this plan which the Communist Party had, did the executive board pay for the publications which you have mentioned namely, the Daily Worker, In Fact, and March of Labor?

Mr. POLLOCK. Yes, we sent the names of the people in and the subscription was mailed to them, and the local union paid for the subscription.

Mr. TAVENNER. Then the dues and money of the rank-and-file members were being used to purchase the Communist Party official publications?

Mr. POLLOCK. That is correct.

Mr. DOYLE. You stated the Communist Party representative came and spoke about getting subscriptions to the Daily Worker. How about the March of Labor paper?

Mr. POLLOCK. Somebody came from that paper, too.

(The witness conferred with his counsel.)

Mr. POLLACK. I don't know exactly who it was that came to the executive board meeting to speak.

Mr. DOYLE. Did a man named Walter Barry ever come to speak for those papers?

Mr. POLLOCK. Walter Barry was an international representative of the union. He never came to speak. I don't want to say something that I am just thinking myself.

Mr. DOYLE. That is right. We want to compliment you because all we want is your own personal knowledge, not hearsay, not speculation.

Mr. POLLOCK. The man who came to speak for March of Labor spoke at the district council meeting prior to that on the March of Labor. At the district council was the council delegate and he spoke on the March of Labor at the district council meeting. He was editor or he had some connection with the March of Labor, but he was not a union member or in the UE as far as I know.

Mr. DOYLE. You mean the district council of all of district 4?

Mr. POLLOCK. Yes.

Mr. DOYLE. There were a good many members present at that meeting, were there not?

Mr. POLLOCK. It may have been district executive board, maybe council meeting. I am not sure.

Mr. SCHERER. Who did you say Walter Barry was?

Mr. POLLOCK. He was an international representative of the UE.

Mr. SCHERER. He later became the editor of March of Labor, didn't he?

Mr. POLLOCK. I don't know. I have heard that but I don't know.

Mr. TAVENNER. Do you know whether the individual who came there as a representative of March of Labor was John Steuben?

Mr. POLLOCK. That was his name.

Mr. TAVENNER. Our report on the March of Labor shows he was the editor of that magazine.

Mr. POLLOCK. That is the name.

Mr. DOYLE. Did the district delegates to the district council vote approval of union money being paid for subscriptions to this paper?

Mr. POLLOCK. I believe they referred it to the locals, and a letter went out from the district approving the paper which was an added boost for us to be able to put it through at the local level.

Mr. DOYLE. In other words, they approved it if the locals wanted to pay it out of their treasury?

Mr. POLLOCK. Yes.

Mr. SCHERER. Most UE locals at that time were Communist controlled, weren't they?

Mr. POLLOCK. That I wouldn't know definitely. I have my own thoughts, but I can't swear to it. I understand I am under oath.

Mr. DOYLE. That is right, and generally I want to compliment you on telling us only what you know of your own knowledge, not hearsay and not question.

Mr. SCHERER. My question wasn't speculative, either. It was based on evidence before this committee.

Mr. DOYLE. I do not mean your question was.

Mr. SCHERER. I just wanted to clear that for the record. It was based on testimony I have heard over and over again.

Mr. TAVENNER. About how many subscriptions did these transactions involve?

Mr. POLLOCK. I would say roughly 35.

Mr. TAVENNER. That is, subscriptions from your local.

Mr. POLLOCK. That is correct.

Mr. TAVENNER. Did you obtain information as to whether or not this same procedure was followed in other locals?

Mr. POLLOCK. No; I never got any information on that. I don't know if they did the same thing or didn't. I don't know.

Mr. SCHERER. I think we ought to clear a point here. This is not a court, this is a congressional investigation, and except insofar as the identification of individuals is concerned as to membership in the Communist Party, there is nothing in our rules that would prevent a witness who has had as much experience as this one from giving this committee an opinion even though it is based on hearsay. I understand that to be the rule.

Mr. TAVENNER. I think that is the rule in investigative matters. We have been very reluctant to do it.

Mr. SCHERER. We must abide by the rule when it comes to the identification of individuals. That must be direct and positive testimony. We have followed that rule scrupulously, but I don't understand it to be the rule in such investigations as this that is necessary for an individual to know of his own knowledge everything that he testifies to. He can give an opinion.

Mr. DOYLE. Wouldn't you say, though, that in this case this witness has already given sufficient testimony and information to show that he—

Mr. SCHERER. He is an expert in some lines.

Mr. DOYLE. Might well be termed an expert in his field?

If I remember anything about my 30 years of law practice, an expert is qualified and permitted to give opinions.

Mr. SCHERER. I just wanted to make that clear.

Mr. DOYLE. Is that true? You are an able lawyer.

Mr. SCHERER. That is an assumption. I just wanted to clear this up.

Mr. DOYLE. We are asking this discourse for your benefit.

Mr. SCHERER. In view of a letter I have in front of me on the desk from two organizations in this city, you will see the purpose of my statement later on.

Mr. DOYLE. May I make it clear to the witness and to his worthy counsel that I think this committee figures that while we are not bound by strict rules of evidence, we do feel at this time that this witness has qualified himself as a man of unusual experience. If he has an opinion based upon facts which he knows to exist or believes exist, we would be glad to hear them if it comes within the mete of counsel and witness.

Mr. TAVENNER. Are you acquainted with any other donations having been made by the executive board for the Communist Party directly or indirectly?

Mr. POLLOCK. I can't tell specifically the type of contribution or to what organization or for what purpose it was given, but I do know there were numerous contributions that were made to organizations and the like that to my knowledge were not directly in the union.

I am talking specifically of strike situations, for instance, where it would be a normal thing for the union to make a contribution toward a strike, but there were other contributions that were made to various causes outside of the union itself.

Mr. DOYLE. Did they give to the American Red Cross, that you recall? Or the Community Chest? Is that the type of organization they donated to?

Mr. POLLOCK. Not to my knowledge, directly from the treasury. Those contributions usually came from the rank-and-file.

Mr. DOYLE. I would expect patriotic labor to give to those organizations certainly. I have heard some unions voted funds for the American Red Cross and Community Chest right out of their union treasury.

Mr. POLLOCK. It is permissible. It was permissible, but in this particular local union any question of that sort was usually referred to the members. I can recall collecting myself for the palsy fund. I see a man in this room who is the reporter who commended me on the wonderful job I had done in collecting money for the Cerebral Palsy Fund.

Mr. TAVENNER. The type of contributions I was speaking of was the defense of Gerhart Eisler and contributions of that character. Do you recall any contributions, for instance, having been made for the defense of Gerhart Eisler?

Mr. POLLOCK. No, not in that particular light. I think that would have been a little bit too blunt. It would have too many repercussions, a thing like that. It may have been done indirectly but that is only an opinion.

Mr. TAVENNER. Did you say you were financial treasurer or financial secretary of the district?

Mr. POLLOCK. Yes.

Mr. SCHERER. Pardon me. Do you recall any instances when funds were collected for one purpose and then used for another?

Mr. POLLOCK. I don't know what they were used for.

Mr. SCHERER. You mean that was decided at a higher level?

Mr. POLLOCK. Yes; I imagine so. I don't know what the funds were used for. I know that if there was a request for funds and a contribution was made then, we assumed it was being used for that purpose, but we had no knowledge of what it was being used for. An example I can give you is—

(The witness conferred with his counsel.)

Mr. POLLOCK (continuing). The request that was made for funds for the Civil Rights Congress and the local union affiliated by decision of the executive board, and we paid on a monthly basis. I think it was a half-cent per capita for a period of time. That money was turned over to the Civil Rights Congress but what it was used for I don't know.

Mr. SCHERER. We know pretty well what the Civil Rights Congress used its funds for.

Mr. TAVENNER. Are there any other contributions that you can recall at this time?

Mr. SCHERER. I might say for the record the Civil Rights Congress has been—What is the identification?

Mr. TAVENNER. It has been cited for a long period of years as a Communist-front organization.

Mr. DOYLE. I have it here, on page 35 in the Guide to Subversive Organizations and Publications published May 14, 1951, prepared and released by this committee, Civil Rights Congress, page 34 and 35, is cited as subversive and Communist. Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947, and September 21, 1948. Cited as an organization formed in April 1946 as merger of two other Communist-front organizations (International Labor Defense and National Federation for Constitutional Liberties); "dedicated not to the broader issues of the civil liberties, but specifically to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it."

Cited by the House Un-American Activities Committee, Report No. 1115, September 2, 1947, pages 2 and 19.

Mr. TAVENNER. Can you recall any other contributions that were made to causes in which the Communist Party was contributing a particular interest?

Mr. POLLOCK. Not specifically.

Mr. TAVENNER. I believe you have told us that you were financial secretary of district 4?

Mr. POLLOCK. That is correct.

Mr. TAVENNER. As financial secretary wasn't it your duty to sign the checks required to be paid out by the district?

Mr. POLLOCK. Yes; I signed the checks.

Mr. TAVENNER. Do you recall any checks paid out by the district organization of the UE to the Daily Worker or to any other front organization such as Civil Rights Congress?

Mr. POLLOCK. I recall I didn't even see what the checks were made out to.

Mr. SCHERER. You didn't see who the checks were made out to?

Mr. POLLOCK. They weren't made out. They were blanks.

Mr. DOYLE. Would you sign them in blank?

Mr. POLLOCK. I signed them in blank.

Mr. TAVENNER. Will you tell the committee about that, please?

Mr. SCHERER. Pardon me. Who ordered you to do that?

Mr. POLLOCK. I got a phone call from the secretary or, rather, not the secretary of the district, but the secretary of the president of the district who would tell me there was a number of checks to be made out and would I come down and sign the checks. I think in order to understand this you would have to know that I was the business representative of a local union servicing a number of shops in this area and didn't have time to hang around the district. I didn't work out of the district office. I worked out of a local union office, and I would get the call to come down and sign checks and when I went down there—I know and I understand that for a normal person to sign blank checks is a stupid thing to do, but I did it. I signed blank checks.

Sometimes 40 and 50 at once, at one time. I don't know who those checks were made out to.

Mr. SCHERER. Was it ever reported to you later as to whom these checks were issued?

Mr. POLLOCK. Not the individual checks. There was an audit made of the books and a financial statement drawn up, but as far as individual checks, I don't know who they were made out to.

Mr. TAVENNER. Who was the secretary who had you sign these checks in blank?

Mr. POLLOCK. Kitty Heck, and later all I knew her name was Goodie. I don't know her name. As a matter of fact, later she came to the hospital, I was in the hospital and had my appendix taken out, and she came to the hospital and was permitted to come in outside of regular visiting hours to have me sign the checks.

Mr. SCHERER. Did you ever attend Communist Party meetings with these individuals you mentioned?

Mr. POLLOCK. No.

Mr. TAVENNER. Do you know where Kitty Heck is now?

Mr. POLLOCK. No; I haven't seen her here in years, since she got out of the district and that must be a number of years ago.

Mr. TAVENNER. Mr. Chairman, the committee has had a subpoena out for her but has been unable to have it served. The subpoena was issued on April 20, 1955.

Mr. DOYLE. That is not an unusual experience where you catch up with some person believed to be a Communist leader, and they know about it and hide out. I do not know what they are afraid of, ashamed of, but they hide out and speak out.

Mr. TAVENNER. What was the name of the person to whom she was secretary?

Mr. POLLOCK. James McLeish, who was president of the district at that time.

Mr. DOYLE. Were you a Communist Party member at the time you were signing these checks in blank?

Mr. POLLOCK. I believe so. I was still in the party at that particular time because later I was removed as district financial secretary, and I say removed because there was an agreement made that I step down, or I was told to step down.

Mr. SCHERER. Why was that?

Mr. POLLOCK. The reason I was given was that they wanted to have a woman at the top, as top officer of the district.

Mr. SCHERER. Was that the real reason?

Mr. POLLOCK. I don't know what the real reason was.

(The witness consulted with his counsel.)

Mr. TAVENNER. You were elected to the position of financial secretary, were you not?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Who persuaded you to step down from the position?

Mr. POLLOCK. McLeish, the president of the district, told me that I shouldn't run for financial secretary because it was advisable to have a woman as one of the top officers of the district.

Mr. TAVENNER. Had he given you any assistance while you were holding that position? Did he furnish you any one to assist you?

Mr. POLLOCK. In my own local work, you mean?

Mr. TAVENNER. No, as financial secretary.

Mr. POLLOCK. Not that I know of; no. I don't think it required any assistance to sign a check.

Mr. TAVENNER. Is that all you did?

Mr. POLLOCK. Yes. I attended district executive board meetings and district council meetings, district council meetings as a delegate from my local union.

Mr. DOYLE. Do you know whether the audit of your books was done by a certified public accountant?

Mr. POLLOCK. Yes.

Mr. DOYLE. Of course you were in touch with the audit of your own books, weren't you?

Mr. POLLOCK. No.

Mr. DOYLE. You were not in touch with your own records?

Mr. POLLOCK. No. I didn't arrange for the auditor or see the auditor auditing the books or anything of that sort. I simply went from my local union into the district and signed the checks.

Mr. DOYLE. You signed whatever checks McLeish or his secretary told you to sign?

Mr. POLLOCK. Told me there is a book of checks, will you sign some checks, since I didn't want to go back for a couple of weeks I signed 40 or 50 at once.

Mr. SCHERER. Did you ever have any idea what the balance in the account was?

Mr. POLLOCK. I never took much interest in it.

Mr. TAVENNER. Mr. Chairman, I have a telephone call to make that should be made. May we have a recess at this point?

Mr. DOYLE. Yes.

Mr. SCHERER. May I make this observation?

Mr. DOYLE. We will stay in session for the few minutes while you are gone, and Mr. Scherer wants to read this letter. We will just excuse the witness and counsel from the chair temporarily.

Mr. SCHERER. Mr. Chairman, I have before me a letter dated May 12, addressed to Francis E. Walter, chairman of this committee, from the New Jersey Council of Churches, Jewish Community Council of Essex County and the Essex County Intergroup Council which has already been released to the press as stated in the letter.

It is a rather lengthy letter, but the significant part thereof, I think, is on the last page where they call upon the House Committee on Un-American Activities at this hearing in Newark to abide by the following principle. Five principles are enumerated.

The only reason I mentioned this is because the publication of this letter gives the impression to the public that we are not abiding by the principles enunciated or enumerated in this letter. So I would like to comment on each one of them, because, obviously, the persons who prepared this letter are not familiar with the rules of the committee nor are they familiar with the conduct of the committee in the various cities throughout the United States.

As I say, it would leave the impression with those reading this letter in the daily press that these are some of the things the committee does not do.

The letter says:

1. There should be a committee, not individual responsibility, for the conduct of investigations and hearings.

Rule 1 of the committee reads:

No major investigation shall be initiated without approval of a majority of the committee.

That is the rule and has been followed scrupulously by this committee. All hearings and scope of hearings are decided by majority vote of the committee in executive session before any committee hearing is set.

Then, as you pointed out, Mr. Chairman, a subcommittee of the full committee must consist of a minimum of three members, a majority of whom must be present. So you always have two members present, and usually of different political parties.

So much for the first complaint.

2. Witnesses should be afforded full benefit of counsel. Counsel should be entitled to accompany witnesses at all hearings.

I call attention to rule 7 of this committee:

At every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing. The participation of counsel during the course of any hearing while the witness is testifying shall be limited to advising said witness as to his legal rights.

In some instances counsel is permitted more latitude before this committee than he is in court, because he sits next to the witness and the witness may turn to counsel after any question is asked and seek counsel's advice. We know that in a courtroom after a witness takes the stand, it would be contemptuous for counsel to indicate in any way to a witness how he should answer a question or give him any advice while he is on the stand.

3. The rights of witnesses should be protected. A witness should be entitled to know the purpose of investigation.

Rule 2 of the committee, which is also followed scrupulously, says this:

The subject of any investigation in connection with which witnesses are summoned or shall otherwise appear shall be announced in an opening statement of the committee before the commencement of the hearings and information sought to be elicited at the hearing shall be relevant and germane to the subject so stated.

Continuing with the complaint:

No. 3. The witness should be permitted to testify without television or radio broadcast.

The rules of the House prohibit televising these hearings and broadcasting them.

Complaint No. 3 continues:

To qualify yes or no answers—that is, the witness should be permitted to qualify yes or no answers, to make a brief relevant written or oral statement at the conclusion of his testimony, and obtain a copy of the transcript of his testimony at reasonable expense.

Rule 9 of the committee says:

Any witness desiring to make a prepared written statement for the record of the proceedings in executive or public session shall file a copy of such statement with counsel of the committee within a reasonable period of time in advance of the hearing at which the statement is to be presented. All such statements so received which are relevant and germane to the subject of the investigation may, upon approval, at the conclusion of the testimony of the witness, by a majority vote of the committee or subcommittee members present, be inserted into the official transcript of the proceedings.

Every witness who comes before this committee has the right to qualify his yes or no answers. I never have seen that rule violated. The only time we stop witnesses is when the witness refuses to testify and takes the fifth amendment, and then of course we do not permit him to make a speech if he will not answer the questions.

Another part of complaint No. 3 is—

to obtain a copy of the transcript of his testimony.

Rule 6 of the committee says:

Transcript of testimony. A complete and accurate record shall be kept of all hearings and proceedings at hearings both in public and executive session. Any witness or his counsel at the expense of the witness may obtain a transcript of any public testimony of the witness from the clerk of the committee. Witness or counsel may also obtain transcript of any executive testimony of the witness.

The fourth complaint is that third parties should be permitted to defend their reputation. They should have the right to file a sworn statement concerning adverse testimony, to testify before the committee and to cross-examine the witnesses who have accused them.

I refer to rule 10, headed "Rights of Persons Affected by a Hearing":

Where practical, any person named in a public hearing before the committee or any subcommittee as subversive, Fascist, Communist, or affiliated with one or more subversive-front organization, who has not been previously so named, shall, within a reasonable time thereafter be notified by registered letter, to the address last known to the committee, of such fact, including (1) a statement that he has been so named; (2) the date and place of said hearing; (3) the name of the person who so testified; (4) the name of the subversive, Fascist, Communist, or front organization with which he has been identified; (5) a copy of the printed Rules of Procedure of this committee.

Any person so notified who believes his character or reputation has been adversely affected or to whom has been imputed subversive activities, may within 15 days after the receipt of said notice: (1) communicate with counsel of the committee, and/or request to appear at his own expense in person before the committee or any subcommittee thereof in public session and give testimony in denial or affirmation, relevant and germane to the subject of the investigation.

The fifth complaint intimates that there is unauthorized disclosure of committee information and that it should be eliminated.

Testimony taken in executive session should not be leaked and the committee files should be kept confidential except where crime has been disclosed.

We go to rule 4: That is covered in rule 4, paragraph 3:

All testimony taken in executive session shall be kept secret and shall not be released or used in public sessions without the approval of the majority of the committee.

I took this time, Mr. Chairman, because as I said at the beginning, certainly the publication of this letter would indicate to the people of the community that the committee was doing just the opposite of what the complaint set forth, whereas in truth and in fact the committee abides almost 100 percent, as the result of its rules, by almost all of the injunctions set forth in this letter.

The letter in another part refers to the fact that the American Bar Association on August 17, 1954, adopted a series of recommendations similar to the ones that they set forth in this letter. I want to point out that these rules of procedure were codified long before August 17, 1954. I think they were codified in July of 1953.

Mr. DOYLE. They were codified on July 15, 1953.

Mr. SCHERER. Most of the rules in this book had been in effect prior to that time, and through the efforts of the chairman of this subcommittee and through his work they were reduced to writing or codified and made available for distribution to all those interested.

Mr. DOYLE. I am glad you took the time, Mr. Scherer, to read that. While we are waiting for counsel just a minute, may I supplement what Mr. Scherer said by calling the attention of those present to the fact that those rules which Mr. Scherer read were rules in effect prior to July 15, 1953, by the Committee on Un-American Activities, of which both Mr. Scherer and myself were members at that time as well as now; and that on March 23, 1955, the House of Representatives itself adopted the basis, which is not inconsistent with these earlier committee rules, and the House rules specify the committees may adopt additional rules not inconsistent with this basic rule, which is known as House Resolution 151.

So we feel that in the field of House investigative committees, great progress and sound progress and constructive progress has been made.

Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. The committee will recess at 12:30, which is 30 minutes from now.

Mr. TAVENNER. You have told the committee that the member of the Communist Party group who brought down the directives from a higher source was a person by the name of John Perone who did so on occasions.

Mr. POLLOCK. Yes.

Mr. TAVENNER. And that he was an organizer of the UE.

Mr. POLLOCK. No. I didn't say he was an organizer for the UE. He was a member of the local executive board and financial secretary of the local 437.

Mr. TAVENNER. I recall now that is what you testified to.

Will you tell the committee, please, the names of other persons who belonged to this same group of Communist Party members with you who were organizers of the UE or held some other official position with the UE?

Mr. POLLOCK. All of them held positions of executive board members. There was another organizer by the name of Al Burdick, who

was business representative. He held the same position I did, B-u-r-d-i-c-k, I believe.

Mr. TAVENNER. He was a member of this group of the Communist Party with you?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Can you give the committee any further identifying information regarding him as to any other activity in the Communist Party in which he engaged?

Mr. POLLOCK. I don't know of any specific activity he carried on in the Communist Party outside of being business agent of the local union. I don't know of any of his other activities.

Mr. TAVENNER. Let me interrupt your testimony there to go back to this question:

In this group did you have a chairman, dues collector, and educational director?

Mr. POLLOCK. Perone was usually the chairman of the meeting and he brought the literature to the meetings, and then on occasion there were people who came to the meeting who were not connected with the union who were party people that came to the meetings.

Mr. TAVENNER. What do you mean by bringing literature to the Communist Party meetings?

Mr. POLLOCK. At the same time he picked up this letter, the organizational letter, he would pick up Communist party literature and bring it to the meetings to be sold or distributed or what have you by the Communist Party group.

Mr. TAVENNER. Was this Communist Party literature discussed at the meeting?

Mr. POLLOCK. On occasion there were certain parts of the literature that was discussed. Somebody from the party would come and refer to certain paragraphs of the book and advise us to sell it or get it into the local union in one way or another.

Mr. TAVENNER. Now, if you will proceed with giving us the names of the other UE organizers who were members of your Communist Party group.

Mr. POLLOCK. That is the only one who was a UE organizer or UE business representative in this particular group.

Mr. TAVENNER. Who were the other members of the group?

Mr. POLLOCK. There was Perone and Jack Zick, Burdick—

Mr. TAVENNER. Jack Zick. Is that Z-i-c-k?

Mr. POLLOCK. Z-i-c-k.

Mr. TAVENNER. Was he on the executive board of your local?

Mr. POLLOCK. Yes. Ethel Carpenter. Later she came into the group. She was an international field organizer. I was not thinking. She was an international field organizer and came into the group later.

Mr. TAVENNER. You say she came into the group later. Can you give a more definite date than that as to when she came in?

Mr. POLLOCK. The best I can recall is she came in just prior to me getting out, maybe 6 or 7 meetings and maybe 2 weeks or 4 weeks between each meeting. I don't know but it was just prior. I only attended meetings, probably 5 or 6 meetings altogether when she was present.

Mr. TAVENNER. Was that just before you got out of the Communist Party?

Mr. POLLOCK. That is correct.

Mr. TAVENNER. Can you identify any particular activity that she engaged in or any part she played in Communist Party meetings?

Mr. POLLOCK. No; except being one of the group. She was not a member of my local. She was away back when the original amalgamation took place. She was president of one of the shop locals that I spoke of that was in the original amalgamation, but then later she became an international field organizer and then came into our group, and at that time she was not a member of the local union.

Mr. TAVENNER. Are there any others whose names you can recall who were members of this group?

Mr. POLLOCK. Zick worked in one of the shops in the local union and was a member of the executive board.

George Gould. There was Frank Chandler. Incidentally, Chandler also came to my house and asked me to come out of the shop originally way back with Brandt when Brandt asked me to come out of the shop and become an international representative, Chandler was with him. Then there was a period when Chandler was in the Army, and there was a period when he didn't attend meetings but later on he came back into the meetings.

Mr. TAVENNER. Do you know whether he later affiliated with any other organization?

Mr. POLLOCK. No; I don't know.

Mr. TAVENNER. By organization I mean some other labor organization other than UE.

Mr. POLLOCK. Yes. He went into I believe the leather workers union after he came back from the Army. He got a job in a leather shop and he got into the leather workers. I think it is leather workers because they had an office in the same building that our local office was in.

Mr. TAVENNER. Is there another person whose name you can recall?

Mr. POLLOCK. Bernel Hollingshed was a member of the executive board and also in this group and worked in one of the shops.

Mr. TAVENNER. Will you spell his name, please?

Mr. POLLOCK. It is her. B-e-r-n-e-l H-o-l-l-i-n-g-s-h-e-d.

I believe that is the correct spelling.

Mr. DOYLE. When you say this person was a member of this group, do you refer to the Communist Party group?

Mr. POLLOCK. Yes.

Mr. DOYLE. Would that be true wherever you use that term?

Mr. POLLOCK. That is correct.

Mr. TAVENNER. On what do you base your statement that they were members of this particular group of the Communist Party?

Mr. POLLOCK. They were part of the meetings that I attended and they were in the group. It is understood they were members of the group. When we paid our dues, she paid dues.

Mr. TAVENNER. In these meetings to which you have referred, were persons permitted to attend who were not members of the Communist Party?

Mr. POLLOCK. No; they were not permitted.

Mr. TAVENNER. Are you acquainted with a person named Tony Bokay?

Mr. POLLOCK. Tony Bokay was also a member of the group.

Mr. TAVENNER. B-o-k-a-y. Is that the correct spelling?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Is there any further identifying information you can give us with regard to him?

Mr. POLLOCK. He was also a member of the executive board.

(The witness conferred with his counsel.)

Mr. POLLOCK. Later on my wife also came into this group. She worked in one of the shops.

Mr. TAVENNER. I haven't asked you any question about your wife coming into the Communist Party. I never ask a witness that question, but of course if the witness himself—

Mr. POLLOCK. I volunteered.

Mr. TAVENNER. Volunteers it, there is no objection to it. If there is any statement you desire to make about your wife's connection with the Communist Party I will give you the opportunity to do so.

Mr. POLLOCK. I think it should be clarified that the reason my wife got in was because I was beginning to get out, and the party evidently didn't like it and I made the excuse—it was true—my wife was complaining about the number of meetings I was attending, I was never home, and so on and so forth. I felt that the Communist Party group was more or less a kind of duplication of an executive board meeting, and I saw no necessity for attending the meetings and I was beginning to drift. A woman was sent to the plant or came to the plant, I should say, where my wife worked and told her it would make me very happy if she also got into the group, and my wife being the type of woman that would go any place I asked her to go, she went with me. That is about the limit of her interest in the Communist Party.

Mr. DOYLE. What year was that?

Mr. POLLOCK. I would say around 1946 or something in there. Maybe a couple of years before I finally dropped out completely.

Mr. TAVENNER. Did she leave the Communist Party at the time you did?

Mr. POLLOCK. Maybe before. I don't recall the exact time but definitely no later than the time I got out.

Mr. TAVENNER. You stated on occasions other members of the Communist Party came to this Communist Party club and addressed the club on various subjects. Can you recall the name of any of those people, that is, Communist Party functionaries?

Mr. POLLOCK. Yes. I believe that Martha Stone came on occasions. Lou Malinow came on occasion.

Mr. TAVENNER. Will you spell the last name, please?

Mr. POLLOCK. M-a-l-i-n-o-w. Then there was Helen Conrad who came and collected the dues, mostly.

Mr. TAVENNER. Collected club dues?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Was she a functionary of the Communist Party?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Are there others who you can now recall?

Mr. POLLOCK. No, I can't remember. On occasions a number of different people came but I can't recall just exactly who came.

Mr. TAVENNER. Do you know a person by the name of Katherine Hoffman?

Mr. POLLOCK. Katherine Hoffman came to a couple of the meetings. I know Katherine Hoffman. I knew her quite some time back when she was active in the CIO, when the shop I worked in got organized and later she had a position in the district. I don't know exactly the title of the position, I think it was the welfare fund administrator, something like that. She took care of the welfare fund or what was known as the UE group-insurance plan.

Mr. TAVENNER. In other words, she was employed by the UE district office.

Mr. POLLOCK. She worked in the district office. Who paid her I don't know.

Mr. TAVENNER. What was her purpose, if you can recall, in visiting this club of the Communist Party of which you were a member?

Mr. POLLOCK. I don't recall specifically her purpose in being there, but it would be to talk on some question that was important or some question that was coming up. I can't recall anything specific.

Mr. TAVENNER. Do you know a person by the name of Gabe Bloksberg?

Mr. POLLOCK. Yes. I think he came, in fact he did come to the club meeting on occasion specifically on the question of—he worked in the Federal Radio & Telephone Co. at the time that IUE was organizing the workers away from the UE and he came to the club meeting to explain the position there. I recall he did come to the meetings.

Mr. TAVENNER. You stated that you attended the district council meetings of the UE.

Mr. POLLOCK. Yes.

Mr. TAVENNER. Did you have an occasion to ascertain whether other persons on the council were members of the Communist Party? That is, to your own knowledge.

Mr. POLLOCK. I couldn't say that I knew or I had attended meetings with them, anything of that sort, but it was something that was understood, more or less.

Mr. TAVENNER. Did you ever meet in any Communist Party meeting with James McLeish?

Mr. POLLOCK. No, I never attended any Communist Party meeting with him.

Mr. TAVENNER. Were you elected to State or national conventions of the UE while you were a member of it?

Mr. POLLOCK. Yes. I attended almost every convention after 1940 when I got into the amalgamated local. I attended almost every international convention of the UE with the exception of probably 1 or 2 as an elected delegate from my local union.

Mr. TAVENNER. At those conventions did you have occasion at any time to observe any action on the part of the Communist Party members to control or influence the convention as a result of concerted action by Communist Party members?

Mr. POLLOCK. I recall one case where there was a resolution on the floor of the convention, and I believe that resolution had something to do with changes in the constitution of the convention to bar Communists, Fascists, and the like from subversive groups, from holding office in the union.

I know that there were individuals going around the convention advising people or telling the people that they had to speak against the

resolution. I recall Walter Barry, international representative at that time, coming to me, and I was sitting at the table and he told me I had to speak on the resolution, against the resolution.

I asked him what I should say. He said get up and speak against the resolution anyway, say something. A few seconds after he had left me the president of the International Union, Fitzgerald, said delegate Pollock has the floor. I didn't have my hand up to ask for the floor but I got the floor anyway. I went up onto the platform and made my speech against the resolution.

That is the one occasion when I felt that there had been some kind of caucus that I didn't attend, or wasn't consulted on.

Mr. TAVENNER. Mr. Pollock, I told you at an earlier point in your testimony that I wanted you to tell the committee the circumstances under which you got out of the Communist Party. Will you please do so now, in your own words?

Mr. POLLACK. First of all, I began to feel that decisions were being made that were not the opinions of the rank-and-file members, and I had always been taught in the UE or heard it repeatedly said that the rank-and-file runs this union. That was one of the predominant slogans in the union. I felt that the decisions were being made that wasn't rank-and-file decisions.

Mr. DOYLE. Who were making those decisions?

Mr. POLLOCK. Decisions were made in the group.

Mr. DOYLE. What group?

Mr. POLLOCK. The Communist Party group, the electrical branch, and then they were brought to the executive board of the local and the local executive board acted on them between the meetings of the membership. You have to understand we had 5 membership meetings in a year and an executive board meeting every 2 or 3 weeks.

Mr. DOYLE. Is that the same executive board that a few minutes ago you said was generally numerically controlled by the Communists of the union?

Mr. POLLOCK. Yes; that is the local executive board.

I began to feel the thing more that there were decisions being made from higher up than the local, than in the local club meeting, even, that those decisions were being handed down, and one of them was to the effect that I was told to step down as financial secretary of the district, that I was not consulted on it, that it was just a matter of being told that a woman was going to take my place.

Even though I was nominated I was told not to run. If I ran I probably would have been, I know I would have been defeated anyway.

Mr. DOYLE. You had been nominated you say for reelection?

Mr. POLLOCK. Yes.

Mr. DOYLE. Then you were told not to run or to withdraw?

Mr. POLLOCK. Yes.

Mr. DOYLE. Were you told by a Communist leader?

Mr. POLLOCK. I was told by McLeish not to run, that they were going to have a girl, a woman, one of the top officers of the district.

Then I was business agent of this local union, and was the elected business agent of this local union when I was again told by McLeish that I needed some help in the local union and they were going to assign Al Burdick to the local union. Al Burdick came into the local union. I said there would be a question of his wages, that I felt that the local union would object to it because my understanding was that

somebody should be elected from the rank and file, if we were going to employ another business agent.

But Al Burdick was sent in to the local union by the district and remained on the payroll of the international union for a period of about maybe 2 months. I don't recall the exact length of time, but then he was elected. By that time he had got around the shop and was elected by the members as business agent. On my say-so he was elected business agent of the local union.

Mr. DOYLE. In other words, you didn't oppose that.

Mr. POLLOCK. No: as a matter of fact, I helped have him elected. I helped to advise the people, although at one time probably the following election there was a man elected, a man nominated who ran for business agent, decided to run for business agent, and I suggested to Burdick that we should give him an opportunity to run. It was decided by the group again—

Mr. DOYLE. The Communist Party group?

Mr. POLLOCK. The Communist Party group, that we should definitely oppose him. He was not the kind of guy that we wanted to have in the leadership of the local union. He did get defeated because we went from shop to shop and advised the people not to vote for him and mobilized the people to come out and vote for us.

Mr. TAVENNER. Was that man opposed to communism in the union?

Mr. POLLOCK. He was a member of the executive board and judging from his expressions at the executive board meeting I would say definitely.

Mr. TAVENNER. Continue, please.

Mr. POLLOCK. Well, those things happening in the local union and the party itself, I felt that there was duplications and no need for it and the party was dictating the decisions of the local membership, and I felt that I would be better to stay away from the thing altogether and I drifted away. There were attempts made by people to tell me of meetings that were being held and things of that sort, and I didn't attend those meetings.

Then finally some time at the beginning of 1950 I was approached by Al Burdick, who told me that we had to make it official, I had to make it official getting out of the party. I asked him what he meant. He said, "We have an appointment with the lawyer who is the union, the local union lawyer, to draw up a statement." Burdick took me in his car to the lawyer's office and the lawyer dictated a letter, which we took to the Western Union, a letter of resignation or something, the lawyer remarked that the language was ambiguous but nevertheless it was a letter supposedly to be of resignation.

Mr. TAVENNER. Do you have a copy of the letter?

Mr. POLLOCK. Yes.

Mr. TAVENNER. Do you have it with you?

Mr. POLLOCK. Yes.

Mr. TAVENNER. May I see it?

Mr. POLLOCK. Do you want the resignation letter?

Mr. TAVENNER. Yes.

Mr. POLLOCK. We took the letter to the Western Union and there we had a boy, one of the delivery boys, come with us and he also signed the letter stating he had received 2 letters from us, copy of which they have there, too, and then we went to the Communist Party headquarters which was on Park Place, Newark, and we sent the kid

up to the Communist Party headquarters with the 2 letters, 1 from Al Burdick and 1 from myself, both of them written exactly the same.

There they were signed and the copies of them were given back to us.

Mr. TAVENNER. Were they identical letters?

Mr. POLLOCK. As far as I know; yes.

Mr. TAVENNER. Mr. Chairman, I would like to read the two letters in evidence.

January 6, 1950, Communist Party, 8 Park Place, Newark, N. J.

GENTLEMEN: In view of the fact that there is frequently so much confusion and loose talk about so much matters and in order to avoid any possibility of confusion as to myself this is to advise you that as of this date I am not a member of your organization.

Very truly yours,

ERNST POLLOCK.

A similar letter, identical letter, I have before me signed "Louis"—How do you pronounce it?

Mr. POLLOCK. Malinow.

Mr. TAVENNER. I do not have the copy of Burdick's letter but I have the original of the letter of Louis Malinow in the form of a receipt reading as follows:

JANUARY 6, 1950.

I hereby acknowledge receipt of the letters delivered by Western Union special messenger signed by Ernst Pollock and Allan Burdick reading as follows:

January 6, 1950, Communist Party, 8 Park Place, Newark, N. J.

GENTLEMEN: In view of the fact that there is frequently so much confusion and loose talk about so much matters, and in order to avoid any possibilities of confusion as to myself this is to advise you that, as of this date, I am not a member of your organization.

Very truly yours,

LOUIS MALINOW.

Mr. TAVENNER. Will you proceed, please.

Mr. POLLOCK. I think I have completed up to that point that it was later than this I left the UE and I went to work in the shop in the UE. I was working back in the plant working with the tools in a toolroom, working with my hands.

Mr. TAVENNER. Mr. Pollock, did you make available to the Federal Bureau of Investigation the information which you have given the committee today?

Mr. POLLOCK. Yes; I have been approached by the Federal Bureau of Investigation and I have given them all the same information that I have given here today.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Do you have questions, Mr. Scherer?

Mr. SCHERER. No questions.

(The witness consulted with his counsel.)

Mr. TAVENNER. If you have any further statement, you may make it.

Mr. POLLOCK. I would like to state this: that I feel very strongly about this testimony. I didn't realize what it was in the beginning. I was naturally scared when the FBI came around and started to question me about it, but since I have considered the whole thing I feel that I want to do this, I am doing this of my own free will and accord because I feel that I came to this country for a reason. I came because I was out of work on the other side, was going with a girl I

wanted to get married, and I came here and I was able to send for my wife, I got married, and when I raised a couple of children I am proud to say one of them is in the United States Air Force today, having volunteered there, and I feel that if I can be of any service to this country I owe it and that is why I am making this testimony.

I would like to point out this: that after I was at the plant 7 months Al Burdick came to the plant, he was still business agent of the local, and advised me to go and see the lawyer for the union. He said that "those committees are coming into the city and you will probably be questioned so you had better go and find out what to say."

He said, "We have all been down there."

I didn't go.

Mr. TAVENNER. Was that Burdick's advice to you?

Mr. POLLOCK. Yes, 7 months after I was working in the plant. The reason I know it was 7 months was that nobody came from the union for 7 months.

Mr. SCHERER. I think the witness is to be congratulated on his fine statement. He has rendered a valuable service to his country and particularly to this committee in its work, and I certainly feel that there should be no recriminations of any kind whatsoever against this man for what he has done in the past. I think his conduct in the last few years and his testimony here today certainly warrants that nothing like that take place.

Let me ask you one more question: From the time that you were approached by the Federal Bureau of Investigation, later by the staff of this committee, do you feel that any of your rights were violated?

Mr. POLLOCK. No. I feel that they have been very cooperative, no threats have been made if that is what you mean, anything of that sort. They have asked me for my opinions on what happened, they have asked me what happened. I have consulted with counsel, counsel has advised me to tell the truth, and that is what I am doing.

Mr. SCHERER. And the staff of this committee advised you initially you should have counsel, did they not?

Mr. POLLOCK. Yes. They advised me that I had the right to have counsel and I could have counsel.

Mr. SCHERER. Has there been anything irregular at all that you could see about the conduct of any agent of the United States Government with whom you had contact?

Mr. POLLOCK. No, I can't say that I have been unduly threatened or anything. I was naturally afraid myself, worried about it.

Mr. SCHERER. I am afraid when a policeman stops me for going too fast.

Mr. POLLOCK. That is the kind of fear I had. I had never had any encounters with the law and the FBI sounded like something terrible to me.

Mr. SCHERER. You found that the FBI wasn't terrible? In the Communist Party the FBI is painted pretty bad, isn't it?

Mr. POLLOCK. As I understand the purpose and the reason, I began to understand that they had a job to do, and if there was something going on I wasn't aware of that was harmful to this country, then they had the right to know about it.

Mr. SCHERER. Thank you very much.

Mr. DOYLE. I would like, Mr. Pollock, to ask you a couple of brief questions.

You tell me if I am in error, please. From your testimony I conclude that very clearly the Communist Party was in control, substantial control of the policies and activities of your local 437 during the time you were a member of the Communist Party.

Mr. POLLOCK. Definitely they were the ones who were deciding on what was to be taken up and by maneuver it was decided when to take it up, when not to take it up, and in the final analysis they did make the decisions.

Mr. DOYLE. From your testimony, then, I have another conclusion. You tell me if it is correct or erroneous.

I conclude that the Communist Party was in control substantially of the district council of the U. E.

Mr. POLLOCK. You are asking me for an opinion or anything I can say as a fact?

Mr. DOYLE. I am asking you for your opinion based on the facts that you know.

Mr. POLLOCK. My opinion based on the facts, would be yes, that there was a group within the district that made the decisions outside of the—

Mr. DOYLE. Because it is late, I will just take a short minute to back up my distinguished colleague, Mr. Scherer, on behalf of the United States Congress, of which we are both Members. I want to congratulate you on coming to the point where you place your country ahead of the damnable Communist conspiracy. I am glad you got your eyes open.

May I urge you to be just as active now in support of real, honest-to-God patriotic Americans as you were during the time you were in the Communist Party.

I am always honored and favored by receiving the endorsement at my election times, 5 times now, in Los Angeles County, of the CIO and AFL, so I think I know something about labor procedure, though I have never been a member of nor attorney for a labor union. It worries me no end when we come to a neighborhood like this and find a great organization of American working men and women controlled by a subversive conspiracy which is definitely designed to overthrow by force if necessary our constitutional form of government.

I want to compliment you on behalf of the House of Representatives. We wish that distinguished son of yours well. I notice you said he volunteered.

Mr. POLLOCK. That is correct.

Mr. DOYLE. You are lucky to have him. Some of the rest of us had sons that volunteered. Of course the reason some of them aren't alive is because of this damnably aggressive subversive Communist conspiracy afloat in the world.

I don't see why any American citizen in organized labor dares to put the Communist Party ahead of his loyalty to his own labor union. They are absolutely inconsistent.

I want to compliment you again on behalf of the House and wish you well. I want to say to organized labor in this room—and I know some of you here in the room are from this labor union. I can tell by the way a few of you look, and by that I mean your facial expressions.

I have noticed certain facial expressions when this witness said certain things and having sat in dozens and dozens of public hearings

like this we learn to know what is signified by the way people look and act in a public hearing room.

So I just wish to say to you folks in organized labor, why don't you put your own labor objectives ahead of the Communist Party if you are in it? I should think that the testimony of this man right here would be sufficient notice for you, if any of you here are from that group, to get in and clean house and do it darn quick, too.

I wish to thank the distinguished lawyer for being here. We are always glad to have lawyers come, as I said earlier in my remarks.

Mr. Pollock, have you anything to suggest to this committee? We are looking for suggestions. Is there any way you think we should do our work differently? Have you any criticisms, any suggestions for us?

Mr. POLLOCK. That end I haven't given too much thought to.

Mr. DOYLE. Will you give some thought, Mr. Pollock, to the matter. Congress is very anxious to receive the benefit of the thinking and criticism and thought and conclusions of any patriotic American, and you are certainly included in that group now.

Mr. TAVENNER. Mr. Chairman, I want to apologize. There is a question I intended to ask this witness and didn't ask. May I ask it now?

Mr. DOYLE. Yes.

Mr. TAVENNER. After the resignations were handed in by you and Mr. Burdick, did Mr. Burdick tell you why he had sent in his resignation?

Mr. POLLOCK. As I understand it, it was we were taking advantage of the Taft-Hartley Act. We had signed Taft-Hartley affidavits in order to be eligible for the use of the board and this was making it official, so to speak.

Mr. DOYLE. In other words, this was making a monkey out of the Taft-Hartley Act, the subterfuge? Was that the purpose of it.

Mr. POLLOCK. I don't know if I want to use that.

Mr. DOYLE. I don't ask you to use it. We understand deliberate violation of a Federal statute. That is what it amounts to.

Mr. TAVENNER. That is all I have, Mr. Chairman.

Mr. DOYLE. You are excused from the subpoena.

(Whereupon the witness was excused.)

The committee will stand in recess until 2 o'clock this afternoon.

(Whereupon, at 12:45 p. m. the hearing was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION—MAY 16, 1955

Mr. DOYLE. Let the committee be in order, please.

I want to thank the guests of the committee who were in the courtroom this morning for being so cooperative and quiet. I am sure it helped the committee and the witness, and I know it helped the committee to hear better, and we will appreciate the same sort of help this afternoon.

Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. Mr. Chairman, if I may be permitted, I would like to make a statement with regard to the Communist Party clubs.

Mr. DOYLE. Before you do that, may I ask that the record show that both members of the subcommittee are present at this time as the committee resumes at a quarter after 2.

Mr. TAVENNER. I thought that it might be well to make a statement of explanation regarding the clubs of the Communist Party which were identified by you in your opening statement this morning.

We have found some confusion has occurred at different places where the committee has been because Communist Party clubs were given the names of, in some instances, the companies for which they worked, and in others for sections of the city in which they were located.

So that if a person hearing the statement is not aware of that practice, they may confuse the club. So I wanted to call to your attention that the statement which you gave this morning of Communist Party clubs relates to clubs in various sections—that is, Communist Party clubs in various sections of the city, which seem to have taken on the names of the areas in which they were physically or geographically located.

For instance, West Side Club was one, Iron Bound Club was another which refers only to the area in which this Communist club was located and should not in any way be confused with any other legitimate organization in that area.

Mr. DOYLE. But the names we gave were the names of the Communist club groups.

Mr. TAVENNER. That is right, within those particular areas.

Mr. DOYLE. They were the names the Communist groups themselves used to designate their group.

Mr. TAVENNER. That is right. I would like to call Mr. Stephen Rudich as a witness.

Mr. Rudich, will you come forward, please, sir.

Mr. DOYLE. Mr. Rudich, will you please raise your right hand and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RUDICH. I do.

TESTIMONY OF STEPHEN J. RUDICH

Mr. TAVENNER. What is your name, please, sir?

Mr. RUDICH. Stephen J. Rudich. S-t-e-p-h-e-n R-u-d-i-c-h.

Mr. TAVENNER. Mr. Rudich, it is noted that you are not accompanied by counsel. It is the practice of the committee to advise all witnesses appearing before it that they are entitled to have counsel if they so desire, and if they prefer to begin the hearing without counsel, they still have the right during the hearing to consult counsel at any time should they desire to do so.

Mr. RUDICH. I don't think it will be necessary.

Mr. TAVENNER. Very well, sir.

When and where were you born?

Mr. RUDICH. Lewis, W. Va.; December 27, 1918.

Mr. TAVENNER. Do you now reside in the city of Newark?

Mr. RUDICH. No, I don't. I am employed here but I don't live here.

Mr. TAVENNER. How long have you been employed in the city of Newark?

Mr. RUDICH. For approximately the past 4½ years.

Mr. TAVENNER. Prior to that time where did you live and what was your business?

Mr. RUDICH. Well, I came to the State of New Jersey sometime in 1936 and I lived here until sometime early in 1947, when I left this area as a member of the UE staff.

Mr. TAVENNER. You say you were a member of the UE staff?

Mr. RUDICH. That is correct.

Mr. TAVENNER. What position did you hold on the UE staff?

Mr. RUDICH. Field organizer.

Mr. TAVENNER. As field organizer were you assigned to any particular district of the UE?

Mr. RUDICH. Yes, when I first became a member of the UE staff I was in this district, district 4.

Mr. TAVENNER. When were you first appointed organizer?

Mr. RUDICH. It was late in 1946.

Mr. TAVENNER. How were you employed at the time you became employed as a field organizer?

Mr. RUDICH. Well, at the time I became an organizer I wasn't employed. My recent employment had been with Westinghouse Co. in Bloomfield, N. J.

Mr. TAVENNER. Did the UE have a bargaining contract with that plant at the time?

Mr. RUDICH. They did.

Mr. TAVENNER. Therefore I assume you were a member of the union.

Mr. RUDICH. I was.

Mr. TAVENNER. At Westinghouse.

Mr. RUDICH. That is correct.

Mr. TAVENNER. How long had you been a member of the union at Westinghouse?

Mr. RUDICH. Probably since the beginning of my employment there, which was sometime in 1941, I believe.

Mr. TAVENNER. Have you held any other positions in the UE besides that of field organizer?

Mr. RUDICH. No.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were a field organizer for the UE?

Mr. RUDICH. Yes.

Mr. TAVENNER. Were you a member of the Communist Party before you were appointed as a field organizer?

Mr. RUDICH. Yes.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. RUDICH. I am not.

Mr. TAVENNER. Will you tell the committee, please, when you joined the Communist Party and when you left it?

Mr. RUDICH. Well, I joined it, I don't recall whether it was 1944 or 1945, but I think I do recall it was some time after this Browder business within the party, and they were still talking about that even when I went in. It was after the breakup of that—

Mr. TAVENNER. Browder was ousted in October 1945, so then your membership must have begun shortly after that. It continued how long?

Mr. RUDICH. Well, as a dues-paying member I continued as long as I was in this area. After I left this area I had some contact with it but I gradually drifted away.

Mr. TAVENNER. When did you leave this area?

Mr. RUDICH. Early 1947.

Mr. TAVENNER. Will you tell the committee, please, in your own way, beginning at the very beginning of your membership in the Communist Party, what activity your membership led to while an organizer for the UE? Begin right with your first membership and tell the committee the circumstances under which you became a member.

Mr. RUDICH. I wasn't on the UE staff then.

Mr. TAVENNER. I understand that. But begin whenever you did become a member and bring it right through until you became an official of the UE.

Mr. RUDICH. Well, I was approached while I was employed at Westinghouse, member of the local union. I was approached by a man who had been known more as an ex-Communist than as a Communist, actually he was in and out a number of times. I understand. Apparently some remarks I had made in a union meeting or something led him to believe that I would be interested.

He sent me to someone who brought me downtown in Newark here to the Communist Party headquarters.

Mr. TAVENNER. He brought you from Westinghouse. Where was Westinghouse located?

Mr. RUDICH. Bloomfield, N. J.

Mr. TAVENNER. Mr. Rudich, you say you were sent to someone who brought you downtown to Communist Party headquarters in Newark?

Mr. RUDICH. That is correct.

Mr. TAVENNER. Who was the party that brought you to Communist headquarters?

Mr. RUDICH. The man is deceased now.

Mr. TAVENNER. Then I am not interested in his name.

As a result of his bringing you down here to Communist Party headquarters what did you do?

Mr. RUDICH. I joined the party and later was assigned to a club in the Bloomfield area.

Mr. TAVENNER. Who were present at the time you became a member?

Mr. RUDICH. I don't recall anyone outside of Martha Stone right at the present time.

Mr. TAVENNER. Was she the Communist Party organizer in this area at that time?

Mr. RUDICH. Well, she was chairman of the party organization here in this county.

Mr. TAVENNER. Was it on that occasion that you were assigned to a particular group of the Communist Party?

Mr. RUDICH. I don't recall whether it was on that occasion. I think it was some time later because I attended more meetings I believe in Newark before I was assigned to the Bloomfield area.

Mr. TAVENNER. Do you know the name of the group of the Communist Party in the Newark area which you attended before being assigned to a group at Bloomfield?

Mr. RUDICH. I don't recall whether it had any specific title.

Mr. TAVENNER. Did the group to which you were assigned at Bloomfield have a specific name?

Mr. RUDICH. Known as the Tom Mooney Club.

Mr. TAVENNER. Will you describe in a general way the makeup of that club? Were they people from Westinghouse or some other organization or just generally in the community?

Mr. RUDICH. Well, the idea of the thing was to get people from that area and some of those that did attend did live or work in that area.

Mr. TAVENNER. How long were you a member of that group?

Mr. RUDICH. I don't recall, but probably up until the time I left this area.

Mr. TAVENNER. Were you a member of any other group of the Communist Party in this area besides the Tom Mooney group of the Communist Party?

Mr. RUDICH. I don't know, I don't think so. But I know I still attended meetings other than what was held by the Tom Mooney Club.

Mr. TAVENNER. Will you tell the committee, please, just what activities the Tom Mooney Club engaged in?

Mr. RUDICH. Well, actually the idea of the thing was to try to recruit new members from that area although I don't believe they were too successful. Of course there was discussion of party policies in relation to the labor unions and discussion of the party literature, and sale of party literature.

Mr. TAVENNER. Was this party literature brought to the meetings, and distributed among those present, or were those present requested to purchase it?

Mr. RUDICH. It was usually always literature about for sale and sometimes for free.

Mr. TAVENNER. You say the Communist Party was interested in recruiting new members in that area. Did you learn from what particular trades or occupations the Communist Party was interested in recruiting members?

Mr. RUDICH. Actually all the industry, they were interested in all the industries in that area.

Mr. SCHERER. What year was this, Witness, that you are talking about?

Mr. RUDICH. 1946, possibly 1947. The early part.

Mr. SCHERER. Were they particularly interested in recruiting membership from industry that was engaged in defense work?

Mr. RUDICH. Well, I don't know what their plans were but actually at that time I think they were setting up what they called industrial clubs in different industries or in the areas where there were different industries.

Mr. TAVENNER. During the Communist Political Association days the membership was concentrated mostly in neighborhood groups or clubs, after which—that was about the time you entered—it was broken down into industrial clubs. At least that was what the Communist Party was endeavoring to do.

Is that correct as far as you know?

Mr. RUDICH. Yes, sir.

Mr. SCHERER. Do you know why they were departing from the program of organizing in neighborhoods and colonizing in industry, why that change in policy took place?

Mr. RUDICH. I knew what the line was at that time. The line was to recruit people from within labor, labor leaders. They said the idea being they would have trained people to work toward socialism and

to advance the cause of socialism, and they wanted to show the workers they were the leaders among the workers.

Mr. SCHERER. Their stated purpose then was to advance the cause of socialism and their actual purpose to advance the cause of communism, is that correct?

Mr. RUDICH. Well, all I know is the stated purpose.

Mr. SCHERER. Most of labor wouldn't take the Communist philosophy so they had to feed it to them in different dosages. They couldn't take it under the name of communism so they gave it to them under the name of socialism.

Mr. RUDICH. That is probably correct.

Mr. TAVENNER. Will you tell the committee who were the active members of the Tom Mooney group of the Communist Party to which you were assigned first, if you can, and the person who usually acted as chairman of the group?

Mr. RUDICH. Most of these meetings of the Tom Mooney Club were held in the home of James Moore in Bloomfield, and he usually chaired the meetings and his wife was usually present. I believe she was a party member, she was usually the secretary.

Mr. TAVENNER. What was her name?

Mr. RUDICH. I don't recall.

Mr. TAVENNER. You don't know her first name?

Mr. RUDICH. I don't recall.

Mr. TAVENNER. Did you say she acted as secretary of the meetings?

Mr. RUDICH. I believe she did. I know she participated in them.

Mr. TAVENNER. Just a moment. You said you believe she did. I would rather in describing matters of that kind that if you are uncertain about it to state that you are uncertain rather than to—

Mr. RUDICH. She did participate in discussions in the meetings.

Mr. TAVENNER. You are certain about that, that she participated?

Mr. RUDICH. Yes, sir.

Mr. TAVENNER. But you do not know whether she was the secretary or not?

Mr. RUDICH. I don't know.

Mr. TAVENNER. Can you give us the names of other persons who were members of that group of the Communist Party?

Mr. RUDICH. Actually there were usually guests but of the regular membership there that were assigned to that club I believe I can only recall the names of Frederick Smith and John Gorman and Robert Dixon.

Mr. TAVENNER. The name Smith, of course, is a name we frequently find. I don't mean by that, find in communism, but it is a common name. Can you give us some further identification of Frederick Smith so that there will not be any confusion as to what Frederick Smith you are referring?

Mr. RUDICH. He was employed by the Westinghouse Co., and I believe I was responsible for getting him into the party at that time.

Mr. TAVENNER. You mentioned a person named Robert Dixon. Where was he employed?

Mr. RUDICH. He was employed by the General Electric Co. in Bloomfield.

Mr. TAVENNER. You gave the name of another. Did you say John Gorman?

Mr. RUDICH. John Gorman was also employed at Westinghouse Co.

Mr. TAVENNER. How do you spell Gorman?

Mr. RUDICH. G-o-r-m-a-n.

Mr. TAVENNER. John Gorman was employed where?

Mr. RUDICH. Westinghouse, Bloomfield.

Mr. TAVENNER. How long was it after you became a member of this group of the Communist Party that you were elevated to the position of organizer of the UE?

Mr. RUDICH. I wouldn't recall the exact period of time except I believe I was appointed to the UE staff in the fall of 1946.

Mr. TAVENNER. Does that mean you were taken out of the shop at about that time?

Mr. RUDICH. I was out of the shop at the company's request at that time.

Mr. TAVENNER. Explain what you mean.

Mr. RUDICH. This club I know was in being or came into being at least during the strike which began in early 1946, and after the strike I was only back in Westinghouse a short time and then my employment there ceased.

Mr. TAVENNER. Was that at the instance of the Westinghouse employment that your—

Mr. RUDICH. I was unemployed for some time. I don't recall how long before I went on the UE staff.

Mr. TAVENNER. Tell the committee, please, what occurred in connection with your employment on the UE staff. How and by whom were you employed?

Mr. RUDICH. Well, at the time I was employed Walter Barry was the international representative in this district and I guess he recommended me or something. At least I was put on the staff, I believe on his recommendation. Of course he was in charge of all organizers in this area.

Mr. TAVENNER. Who was the first person that interviewed you with regard to getting you interested in taking this position?

Mr. RUDICH. That was I believe Ruth Young.

Mr. TAVENNER. What was her position?

Mr. RUDICH. At that time she was the secretary of this district, district 4.

Mr. TAVENNER. Of the UE?

Mr. RUDICH. Of the UE, and I had considerable contact with her during the strike at Westinghouse because she was there almost daily.

Mr. TAVENNER. Did you have contact with Ruth Young at any other place besides the district and union headquarters?

Mr. RUDICH. I believe she attended at least one meeting of the Tom Mooney Club and I also met with her in party headquarters.

Mr. TAVENNER. Do you mean Communist Party headquarters?

Mr. RUDICH. That is correct.

Mr. TAVENNER. Will you describe her appearance at your own Communist Party club a little more in detail, if you can, what her purpose was in being there, what she did?

Mr. RUDICH. Well, I don't recall any specific meeting, what the nature of her visit or attendance was, but she did considerable work with the local that I came out of in Bloomfield, local No. 410, and I

think I was considered to be responsible for that local and to, I guess, try to keep it in line with the policies of the national union.

And my meetings with her were usually to discuss things that would come up within the local union meetings or perhaps on the question of election of delegates or officers, something of that nature.

Mr. TAVENNER. What was the occasion for your meeting her in Communist Party headquarters in Newark?

Mr. RUDICH. I don't know offhand other than that there were probably other people in attendance, I don't recall right now. But I believe at that time the headquarters was right around the corner from the UE headquarters.

Mr. TAVENNER. What I am getting at is to know whether or not your meeting with Ruth Young was under circumstances indicating that she was or was not a member of the Communist Party. Did the circumstances under which you met with her at your own club of the Communist Party and later at the Communist Party headquarters in Newark indicate to you that she was a member of the Communist Party, or not?

Mr. RUDICH. Yes.

Mr. TAVENNER. And if it did indicate that to you I would like for you to tell the committee how you came to that conclusion or why you say that it indicated she was a member of the Communist Party.

Mr. RUDICH. Well, other than the fact that she attended the meetings, Communist Party meetings—

Mr. SCHERER. You say Communist Party meetings. Were they closed Communist Party meetings?

Mr. RUDICH. Sometimes.

Mr. SCHERER. Did she ever attend closed Communist Party meetings?

Mr. RUDICH. Yes.

Mr. TAVENNER. Do you recall who else met with Ruth Young in Communist Party headquarters with you?

Mr. RUDICH. I don't recall anyone other than Martha Stone.

Mr. TAVENNER. When you met with Ruth Young at Communist Party headquarters were you advised to be there, or did you just happen to go there, or what were the circumstances?

Mr. RUDICH. It was a prearranged meeting.

Mr. TAVENNER. At the present time you can't recall other persons who attended the meetings?

Mr. RUDICH. No.

Mr. TAVENNER. Were there other persons to your knowledge who did attend besides Martha Stone, the head of the Communist Party here, and Ruth Young and yourself?

Mr. RUDICH. There might have been but I don't recall any specific individual at this time.

Mr. TAVENNER. What was the purpose of holding these meetings?

Mr. RUDICH. Well, as I stated before, even after I was on the UE staff I was still a member of the local union and I had contact with people in the local union and we usually met to discuss what to do about certain issues that came up in meetings or election of delegates to conventions, or local union officers, or something of that nature.

Mr. TAVENNER. You indicated a little while ago that you attended other meetings of the Communist Party besides your local, which was the Tom Mooney Club.

Mr. RUDICH. That is right.

Mr. TAVENNER. Where were these other Communist Party clubs located? Were they in the city of Newark or some other place?

Mr. RUDICH. Usually in the party headquarters, they had headquarters on Branford Place, I attended meetings there. There was also a headquarters some place else here in town. I don't recall the address, it was an office building across a narrow street, Market Street I believe. I don't recall the name of the street or the address, and I also attended at least two other meetings that were not held in party headquarters where I heard some of the so-called higher ups in the party speak.

Mr. TAVENNER. Who were those higher ups, if you can recall?

Mr. RUDICH. One meeting I recall Henry Winston being present, John Williamson, Jack Stachel.

Mr. TAVENNER. Were other UE organizers there besides yourself?

Mr. RUDICH. I believe so. Right now I don't recall the date of the meeting or even where it was held. It was some hall here in Newark.

Mr. SCHERER. Do you recall what the so-called higher ups in the party advocated when they were speaking at these meetings you have described?

Mr. RUDICH. The thing I recall about this meeting in particular was something about united labor, or drive, or something of that nature.

Mr. SCHERER. When you say united labor drive, do you mean a drive to get labor into the Communist Party?

Mr. RUDICH. That may have been the idea but I think actually what they meant at that time was that they were for unity of all labor at that time. I think they were, that is what they were talking about, uniting of all labor, but just what the other circumstances were at the time, I don't recall.

Mr. SCHERER. You have learned since that their desire to unite labor, whatever it was at that time, wasn't for the interests of labor but for the interests of the Communist Party which they represented; isn't that right?

Mr. RUDICH. That is right. I have learned since they certainly haven't united labor.

Mr. SCHERER. They were only interested in the problems of labor, or pretended to have an interest in the problems of labor because they felt that would be a ground from which they could derive membership and strength for the party?

Mr. RUDICH. They wanted to use it for their base.

Mr. TAVENNER. Will you give us the names of other persons who held positions in the UE who were known to you to be members of the Communist Party in this area, persons with whom you met from time to time as Communist Party members?

Mr. RUDICH. UE staff members?

Mr. TAVENNER. Yes; who held any position with the UE.

Mr. RUDICH. Well, I named James Moore. He was on the UE staff.

Mr. TAVENNER. Was he an organizer?

Mr. RUDICH. He was a field organizer. Of course, Ruth Young was district secretary; Archer Cole, field organizer; Al Burdick, field organizer; Bill Santora, field organizer.

Mr. TAVENNER. Are there any others? I didn't know whether I interrupted you or not. You may have finished. I am not sure.

Mr. RUDICH. There may be others. I can't think of any.

Mr. TAVENNER. You mentioned Archer Cole as a field organizer.

Mr. RUDICH. Yes, sir.

Mr. TAVENNER. Can you give us more definite identification of him? Where had he been employed, if you know?

Mr. RUDICH. Before coming with the UE?

Mr. TAVENNER. Yes.

Mr. RUDICH. I don't know anything about him before coming to the UE. I know he was on the UE staff when I became a member of the staff, but I don't know anything about his previous employment.

Mr. TAVENNER. Was he still on the UE staff when you left in 1947?

Mr. RUDICH. Yes; I believe he was.

Mr. TAVENNER. You mentioned William Santora. Is there any further information you can give us regarding him?

Mr. RUDICH. No; I didn't know him before I was on the UE staff, either. I don't know anything about him other than that.

Mr. TAVENNER. You do know that you attended Communist Party meetings with him?

Mr. RUDICH. That is right.

Mr. TAVENNER. Will you tell the committee, please, what the Communist Party sought to do, if you know, in the field of labor? What was it interested in? What was it trying to accomplish? As far as you could observe.

Mr. RUDICH. Well, the avowed interest, as I stated before, the line at that time was that they wanted to show the working people that the Communists were leaders that would fight their battles for them with the employers and they needed to develop more leadership in order to be prepared for socialism.

Mr. TAVENNER. How did the Communist Party go about trying to influence the UE organizer? What did they do to bring influence to bear on your organization if it did, and if you know?

Mr. RUDICH. Well, as I stated before, even on the local union level we would discuss sometimes the situation in the locals, and especially if there was a question of the election of delegates and election of officers, we discussed the question of getting support for the candidates that would support the policies of the top office. By that I mean usually the party line was to support the policy of the national union.

Mr. SCHERER. You would attempt to elect officers who were either Communists or pro-Communists; is that right?

Mr. RUDICH. Not necessarily, but who would vote—we will say in a convention those that would vote for the resolutions they wanted passed or officers they wanted elected.

Mr. TAVENNER. Vote for the resolutions the Communist Party wanted passed: is that right?

Mr. RUDICH. Apparently they wanted them passed and that is the reason for the lining up of the meetings some time in advance.

Mr. TAVENNER. In other words, Communist Party members would meet in advance and try to decide upon what resolutions should be adopted by the union; is that what you are saying?

Mr. RUDICH. Well, that is what was probably done, but you see the only connection I had with any of that was on the local union level

where we elected officers or tried to elect officers in the local union that would support the national union, and when we elected delegates to the convention, to send those who would support the national union.

Mr. TAVENNER. What do you refer to when you say the national union?

Mr. RUDICH. That is the UE.

Mr. TAVENNER. The national UE.

Mr. RUDICH. The top.

Mr. SCHERER. There would be nothing wrong with that if you elect delegates to support the national union. I am interested in whether or not this Communist Party group that met prior to the union meetings were interested in electing delegates to eventually support Communist Party programs. Is that what you are trying to tell us, or am I wrong in that statement?

There would be nothing wrong to elect delegates to support the national union and the union's policy if that policy was uninfluenced by Communist Party propaganda or Communist Party objectives, would it?

Mr. RUDICH. That is correct.

Mr. SCHERER. Are you trying to tell us that the object of the local was to elect individuals to positions of influence in the union so that the Communist Party program would be carried out within the union, whether at local or national levels?

Mr. RUDICH. That is correct.

Mr. DOYLE. May I ask a question here?

As you answered the questions of Mr. Tavenner, our counsel, I made a couple of notes here quickly. I think I used your exact words. You said they wanted to use the labor unions as their base. Do you remember saying that?

Mr. RUDICH. That is right.

Mr. DOYLE. In other words, the Communist Party wanted to use the labor unions as their base.

What did they want to use them as a base for? What was the UE to be used as a base for, what kind of an attack? Was it the installation of communism or socialism? You used the term socialism.

Mr. RUDICH. That is the word they used at the time.

Mr. DOYLE. Why were they using the term "socialism" instead of "communism"? Do you remember?

Mr. RUDICH. Not definitely, although as I stated before, at the time I went to the party there was still some discussion as to whether they made the right move when they dissolved the old organization.

Mr. DOYLE. In other words, when they expelled Earl Browder in October 1945, I believe. Then they formed the Communist Political Association, I think is the fact. Do you remember that trend in the movement? It was about the time you came into it?

Mr. RUDICH. I recall there was still some talk at that time. As a matter of fact, some people I understand even left the party at the time because they felt that the Browder policies were right. Of course there was still a lot of discussion about that when I went in.

Mr. DOYLE. To refresh your memory, if I am not in error, I think the record is that Mr. Browder preached and wrote in substance that it was possible for the Communist program and the American capitalist program or the program of American free competitive enterprise to exist side by side in the same world. I think that is it.

Mr. RUDICH. I think he came out with that during the war, didn't he?

Mr. DOYLE. I think so. Then as our distinguished committee counsel mentioned, as a result of the Duclos letter, which I think came to this country a little prior to October 1945 through the agency of the great French Communist, Duclos, as an agency clearly of Moscow, they expelled Browder because the Duclos letter took the position that the Communist system of economics and political philosophy, and the American caste could not exist side by side in the same world, which is the same controversy that is going on now, by the way, in the cold war, I think. Was it that controversy that you remember about the time you joined?

Mr. RUDICH. Yes.

Mr. DOYLE. I asked you that question to refresh your memory. Mr. Tavenner asked you about what the Communist Party group discussed, and you said party program with reference to labor unions. I wrote down that exact language.

Do I understand that the Communist group that you were a member of met in pre-caucuses to determine who they would support and what they would support in the meetings of the labor unions executive council?

Mr. RUDICH. That is correct.

Mr. DOYLE. I bear in mind the testimony this morning of Mr. Pollock, I don't know that you were in the courtroom, but I remember he testified that, as a matter of fact, numerically and practically speaking, the Communist club of which he was a member at the time he was a field organizer such as you were, that Communist group controlled for all practical purposes the UE organization.

What was the fact with reference to the Communist Party group in your experience?

Mr. RUDICH. They weren't anywhere near that successful.

Mr. DOYLE. Did they try to be that successful? Did they try to control the elections and the policy of the labor union, the UE, at the local level where you were?

Mr. RUDICH. The local I belonged to as I recall, only in two specific instances were the so-called left-wing group able to elect delegates to a convention and also to elect officers, but as it turned out some of the delegates that were elected to this convention didn't vote the way they were supposed to, and also a number of these people who were originally elected to local office with left-wing support have since left the UE and some of them are top officers in the IUE today. So the party wasn't very successful in that local.

Mr. DOYLE. May I ask you one more question: When you were a field organizer of the UE, I understand your testimony to be that you were a Communist Party member.

Mr. RUDICH. That is right.

Mr. DOYLE. You were a Communist Party member in fact before you became such an organizer?

Mr. RUDICH. That is correct.

Mr. DOYLE. Of course, as field organizer for the UE you became acquainted with quite a few other field organizers of the UE?

Mr. RUDICH. That is correct.

Mr. DOYLE. And you learned that some of them were also members of the Communist Party?

Mr. RUDICH. That is correct.

Mr. DOYLE. Do you know of any field organizers of the UE at the time you were a field organizer for the UE who were not known to you to be Communist Party members?

Mr. RUDICH. Well, I didn't know them all to be Communists, but I wouldn't swear that they weren't.

Mr. DOYLE. Did you know some of the field organizers that were known to you to be Communists?

Mr. RUDICH. Yes.

Mr. DOYLE. How many of the field organizers of the UE in this area were known to you to be Communist Party members.

Mr. RUDICH. Well, at least a half dozen or more.

Mr. DOYLE. A pretty good handful. If a half dozen or more were Communist Party members at the same time they were field representatives for the UE in this area, do you know how many other field representatives or organizers there were for the UE who were not Communist Party members in this area?

Do you understand my question?

I don't know whether the UE had 15 field organizers in this area, or 20 or 10?

Mr. RUDICH. Offhand I don't remember how many they had here myself.

Mr. DOYLE. At least your testimony is that six or more were known to you to be Communist Party members?

Mr. RUDICH. That is correct.

Mr. DOYLE. I want to make this statement here, Mr. Tavenner. May I make it clear for the record and for any who hear me speak:

In my questioning about labor in bringing out that there were so many of these rotten Communists trying to control the UE—evidently they did a pretty good job of it in too many spots over the country—I don't want anyone to think that I think organized labor generally speaking or substantially speaking was rotten with communism, because I know it isn't and wasn't. I want to make that clear because the great mass of American organized labor is as patriotic and as clear as crystal, and we all know that it true, but here and there, like this situation, there is a rotten egg and the eggs are too many, and rotten with dastardly communism like this outfit.

That is the kind of unpatriotic American labor we are trying to check and expose. We want to cooperate with the FBI and other agencies so that if it advocates forceful overthrow of our Nation, we can help in successfully prosecuting these unpatriotic factions if they are guilty under Federal statutes.

I want to make it clear that certainly not in any way do I mean to infer that I think organized labor is full of Communists. It isn't.

Thank God the CIO a few years ago had the guts to kick certain Communist-controlled unions out, and I think they still have the guts and backbone to do it, and so does the AFL.

Mr. TAVENNER. Were there any occasions that came to your attention where funds were voted by a local or on any other level of the UE for the Communist Party, or for the benefit of the Communist Party directly or indirectly?

Mr. RUDICH. Well, I know there were a number of appeals for funds for various things. I know in the local unit I belonged to re-

ardless of who brought them up, all these so-called leftwing appeals were voted down, but I do recall the one instance considerable discussion at one of the district council meetings here in district 4 about subscriptions to the Daily or Sunday Worker.

Of course I wasn't a part of that body. I just happened to be there at their meeting and there was considerable discussion about it.

Mr. TAVENNER. Do you recall whether it was voted to subscribe to the Daily Worker for certain members of the union?

Mr. RUDICH. I think the motion was passed to subscribe for a certain number of copies but as to what was to be done with these copies, I don't recall.

Mr. TAVENNER. Did that mean that the money of the local unions was used for that purpose?

Mr. RUDICH. This money came out of the district treasury, but of course the locals paid per capita tax to the district.

Mr. TAVENNER. Do you know whether the rank-and-file membership knew that that was being done?

Mr. RUDICH. No; I don't know whether they knew it. I think most locals had delegates to the district council but whether they got reports on it I have no way of knowing.

Mr. TAVENNER. I believe you told us that you went from this area to another area.

Mr. RUDICH. That is correct.

Mr. TAVENNER. Of the UE, that is.

Mr. RUDICH. That is correct.

Mr. TAVENNER. What district did you go to in 1947?

Mr. RUDICH. District 6.

Mr. TAVENNER. Where are the headquarters of District 6 located?

Mr. RUDICH. Pittsburgh.

Mr. TAVENNER. Why were you assigned to that district?

Mr. RUDICH. Well, there was a new Westinghouse plant in western Pennsylvania that they wanted to organize at that time.

Mr. TAVENNER. You were sent there to assist?

Mr. RUDICH. That is correct.

Mr. TAVENNER. Did you have occasion to meet with any members of the UE at the headquarters or in the area of the headquarters of district 6 Pittsburgh whom you found to be members of the Communist party?

Mr. RUDICH. Yes.

Mr. TAVENNER. Just tell us about that, please.

Mr. RUDICH. You mean name them?

Mr. TAVENNER. Yes, and tell how you knew they were members of the Communist Party and how they knew you were a member of the Communist Party.

Mr. RUDICH. Well, I don't know how they knew I was a member of the Communist Party but the way they approached me and invited me to attend meetings—

Mr. TAVENNER. Meetings of what?

Mr. RUDICH. Communist Party meetings—led me to believe they knew somehow.

Mr. TAVENNER. Knew something about your membership back in Newark?

Mr. RUDICH. It could be. They probably had a wire.

Mr. DOYLE. Probably a wire in code or something like that. They have been known to use a code because they were operating secretly, very often.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you were invited to the Communist Party meeting, who invited you, what occurred, and who you met there?

Mr. RUDICH. Well, I recall I was invited by the field organizer by the name of Jack Sartiski, who I later found was a member of the party.

Mr. TAVENNER. What was his position?

Mr. RUDICH. Field organizer.

Mr. TAVENNER. Field organizer in Pittsburgh?

Mr. RUDICH. Yes.

Mr. TAVENNER. Field organizer of the UE?

Mr. RUDICH. That is correct. I also attended meetings with Charles Newell, international representative in the district.

Mr. TAVENNER. How do you spell it?

Mr. RUDICH. N-e-w-e-l-l.

Mr. TAVENNER. Was he international representative of the UE in district 6?

Mr. RUDICH. That is correct.

Mr. TAVENNER. Are there any others you can now recall?

Mr. RUDICH. Allen McNeil, district representative.

Mr. TAVENNER. Do you know how he spells his first name, whether Allan is "an" or "en"?

Mr. RUDICH. I don't recall.

Mr. TAVENNER. Do you know the spelling of his last name?

Mr. RUDICH. I believe it is M-c-N-e-i-l.

Mr. TAVENNER. Are there any others whom you can identify that attended those meetings with you?

Mr. RUDICH. I don't recall any others now. There were other people at these meetings whom I didn't know either, as UE representatives or any other way.

Mr. TAVENNER. How long did you remain in the area of district 6?

Mr. RUDICH. Until sometime in 1949 and later in 1949 I went to district 7 for a short time before I left.

Mr. TAVENNER. Where is district 7?

Mr. RUDICH. In Ohio.

Mr. TAVENNER. Where are the headquarters?

Mr. RUDICH. I believe it is in Cleveland. I was only there a short time. I was never at the district headquarters there.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you left the Communist Party?

Mr. RUDICH. Well, actually, after leaving this area and losing almost daily contact that I had in this area, I just gradually drifted away, and I consider about the time I left the UE, about the time that I found that I had just about enough of that business, and I just gave it all up, and I had no contact with any of my former acquaintances, even in the UE or any other group that I had while I was in the party.

Mr. TAVENNER. Why did you feel you had gotten enough of that business? What do you mean?

Mr. RUDICH. Well, it became more and more obvious that the American people by and large were just not buying what we had for sale.

It got to be more and more obvious and anybody who would identify themselves as a Communist or who was identified with any organization that was Communist was certainly getting to be more and more unpopular, and I got to thinking the whole situation over and felt that if there were so many people against it, there certainly must be some reason for it.

After giving it considerable thought, I found that it appeared to me that the greatest thing that the Communist actually had for sale was confusion. I was pretty well confused then myself. But I think I have gotten straightened out since then. I am very happy to relieve myself of the stigma of the stupidity of the whole thing.

Mr. TAVENNER. You are in no sense connected with the Communist Party now and haven't been since the time you indicated?

Mr. RUDICH. Definitely not.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. I have just one question. Before asking it, I want to thank you for your cooperation with the committee in coming here and helping us. I notice you came without legal counsel, relying on your own good judgment entirely as to what you say and answer.

I wrote down here just a few words that I wanted to ask you about. We are interested as a committee in studying, for the purpose of recommending remedial legislation to Congress, how the Communist Party operated, what their methods are or have been, and what they taught. In asking you this question I am going to assume I don't know anything about this; I want you to tell me.

You said, "We were to recruit labor leaders so that they could show the workers they had trained leaders to work toward socialism." Do you remember saying that?

Mr. RUDICH. That is right. That was the line at that time.

Mr. DOYLE. What was that socialism to consist of? What were they to get?

Mr. RUDICH. That was a question that wasn't being answered.

Mr. DOYLE. The record shows and we know that the word socialism was substituted for communism because the word communism became, as you said, very unpopular. What did they tell you, if anything, that you were going to get as an American citizen under socialism that you were not getting under the American system of government?

How was socialism going to improve conditions?

Mr. RUDICH. Actually, the line was that under socialism all the working people would benefit and be better off than they are today.

Mr. DOYLE. And the working people were to take over industry? Was that ever taught?

Mr. RUDICH. They never went into any discussions of that nature. The whole idea at that time was, as I said before, they were just laying the base at that time. And what they accomplished besides creating a lot of confusion and even destroying some unions and organizations, I don't know what they have done.

Mr. DOYLE. You mean the Communist Party was destroying some unions?

Mr. RUDICH. Well, they made a lot of people happy, when actually it was the infiltration of the Communists that busted the UE apart and for all intents and purposes I believe it is destroyed.

Mr. DOYLE. May I ask you another question which goes to your very personal attitude. Did you find anything in communism while you were in it, or as you look back on it, that you felt at the time or now feel is an improvement upon or substitute for our American form of government?

Mr. RUDICH. Nothing whatsoever.

Mr. DOYLE. You did find confusion no end?

Mr. RUDICH. Definitely.

Mr. DOYLE. Have you any suggestion or recommendation to make to this committee? This is one of your congressional committees, you realize, and, under the Constitution, Mr. Scherer and I are representatives of the Congress of all the American people, not just our own districts.

Mr. RUDICH. There is nothing I can think of offhand. Actually I don't feel I am equipped to give any recommendations.

Mr. DOYLE. I have never before spoken to you in my life, have I?

Mr. RUDICH. No, sir.

Mr. DOYLE. When I ask you that question or when I have asked you any question, I have done it without ever having spoken to you before; isn't that true?

Mr. RUDICH. That is correct.

Mr. DOYLE. I didn't know what your answers would be.

Thank you very much again.

Is the witness excused from the subpoena?

Mr. TAVENNER. Yes, sir.

(Whereupon the witness was excused.)

Mr. DOYLE. The committee will recess for 5 minutes.

(Brief recess.)

Mr. DOYLE. The committee will come to order, please.

Let the record show that Mr. Scherer, of Ohio, and Mr. Doyle, of California, are present, constituting a legal quorum of the subcommittee.

Before you call your next witness, Mr. Tavenner, I want to quote for the record's attention this paragraph which is a pronouncement by the United States Congress, Public Law 831 of the 81st Congress, on this question of communism, what Congress thinks of it. I do that in view of our questions to these witnesses and in view of your questions.

As a result of evidence adduced before various committees of the Senate and House of Representatives, the Congress hereby finds that (1) there exists a world Communist movement which in its origin, its development, and its present practice is a worldwide revolutionary movement whose purpose is by treachery, deceit, and infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and other means deemed necessary to establish the Communist totalitarian dictatorship in all countries of the world through the medium of worldwide Communist organization.

While you are preparing to call a witness, Mr. Tavenner, I wish to supplement that by saying that when I was last in Europe, Asia, and Africa for Congress, every American ambassador and every group of foreign intelligence officers and American intelligence officers that I interviewed told me very frankly that the Communist aggression and subversion in Asia, Africa, and Europe were part of the same conspiracy program abroad here in the United States.

Proceed, Mr. Tavenner.

Mr. TAVENNER. I would like to call Mr. Charles Nusser.

Mr. NUSSEER. I believe the subpoena served upon me was illegal and I would like to present a motion to quash the subpoena.

Mr. DOYLE. Will you please rise and be sworn before you present anything?

Mr. NUSSEER. You are not going to permit me to present the motion at all?

Mr. DOYLE. You will be sworn under the laws of the country, and we will see what we will do with your motion.

Mr. NUSSEER. Pardon me while I confer with counsel.

(Mr. Nusser conferred with his counsel.)

Mr. DOYLE. You are not even before the committee until you are sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NUSSEER. I do.

Mr. DOYLE. Be seated.

TESTIMONY OF CHARLES NUSSEER, ACCOMPANIED BY COUNSEL, HARRY SACHER

Mr. NUSSEER. May I present my motion?

Mr. DOYLE. We will hear you very briefly, Mr. Nusser, and I say very briefly.

Mr. NUSSEER. Not more than 5 minutes.

Mr. DOYLE. We won't give you that long.

Mr. TAVENNER. He has the notice in writing. Why not hand it to you and let you consider it.

Mr. DOYLE. The rules of the committee are well known that this is no court and we have heard the same sort of motion so many times in the last 4 or 5 years that we probably know in advance—in fact, we wouldn't rule favorably on your motion, and you might as well know it.

Mr. NUSSEER. Before you had even heard it, sir, you have decided how you are going to rule. That is incredulous.

Mr. DOYLE. We understand you have come here to make a speech. You have 15 or 20 pages of typewritten script in front of you.

Mr. NUSSEER. No, sir; three pages.

Mr. DOYLE. If you want to deliver us your motion we will review it but we will not take 5 minutes to let you argue on your prepared speech. So you take your choice. This is not a court.

Mr. NUSSEER. I am not clear what choice I am being given.

Mr. DOYLE. This is not a court. We are here under Public Law 601. We have no jurisdiction to refuse to hear you. You are here in response to a subpoena which we have issued in accordance with the law.

Mr. TAVENNER. May I make a suggestion that if he has a written motion, permit him to file it with you, and the committee will consider it. If it requires any action, take it; if not, then proceed.

Mr. SCHERER. I think that is a good suggestion.

Mr. NUSSEER. I would like to have this motion to quash the subpoena as illegal on the record right now.

Mr. TAVENNER. That is the procedure we have followed for many years.

Mr. SCHERER. Do you have the motion?

Mr. NUSSER. Yes.

Mr. DOYLE. If you will file the motion with us, we will take it and rule on it promptly, but we are not going to use this as a forum for you to make a speech.

(The witness consulted with his counsel.)

Mr. TAVENNER. It is apparent he does not desire to file his motion, and I think we may as well proceed.

Mr. NUSSER. Well, sir, I don't want to make a speech. I didn't come to make a speech. I just want to present this motion which I think has to do with the illegality of the subpoena issued to me.

Mr. DOYLE. You can hand it to us. We will consider it, briefly.

Mr. NUSSER. If I can't present it then I can't present it.

Mr. SCHERER. We want to see the motion if you want to give it to us. (The witness tendered a document to the chairman.)

Mr. DOYLE. Mr. Scherer and I have considered it and have conferred with our committee counsel, and almost every line of it is what I anticipated it would be. It is an attack on the committee and a defense of the Communist Party.

Mr. SCHERER. It is obviously not a motion. I think we should proceed.

Mr. DOYLE. We will hold it in our file.

Mr. NUSSER. May I have it?

Mr. DOYLE. You filed it with the committee, and we will hold it for our records.

Mr. SACHER. In view of the fact that you have characterized it—

Mr. DOYLE. We are not allowing you to speak to the committee.

Mr. NUSSER. You characterized it as an attack on the committee, which I don't believe it is, but nevertheless you also have said you don't accept any statements that are attacks on the committee, and therefore I would like to have it back.

Mr. SCHERER. I think he has a right to have it back.

Mr. DOYLE. Do you have a copy of it?

Mr. NUSSER. No, sir.

Mr. DOYLE. We love to have this sort of thing to show the public, but if you want it back you may have it.

Proceed, Mr. Tavenner, with your questions.

Mr. TAVENNER. State your name, please, sir.

Mr. NUSSER. Charles Nusser.

Mr. TAVENNER. I noted you are accompanied by counsel. Would counsel please identify himself for the record?

Mr. SACHER. My name is Harry Sacher, S-a-c-h-e-r, 342 Madison Avenue, New York 17, N. Y.

Mr. TAVENNER. When and where were you born, Mr. Nusser?

Mr. NUSSER. I was born in Pittsburgh, September 12, 1914.

Mr. TAVENNER. Do you now reside in the city of Newark?

Mr. NUSSER. Yes.

Mr. TAVENNER. How long have you resided in the city of Newark?

Mr. NUSSER. Approximately 10 years. Maybe a little more than that.

Mr. TAVENNER. Have you resided at any other place other than the place of your birth?

Mr. NUSSER. I don't quite understand the question. For what length of time?

Mr. TAVENNER. In what places have you lived besides the place of your birth and the city of Newark?

Mr. NUSSER. I have lived in New York City for a short period of time.

Mr. TAVENNER. During what years?

Mr. NUSSER. During the war years it was, 1939 through 1942, something like that. I lived in Pittsburgh and in Newark. I lived in Georgia.

Mr. TAVENNER. When did you live in Pittsburgh?

Mr. NUSSER. I was born and raised in Pittsburgh.

Mr. TAVENNER. How long did you live in Pittsburgh?

Mr. NUSSER. I lived in Pittsburgh over 20 years. Then I lived in Georgia and Florida in the United States Army and then I also lived in Spain.

Mr. TAVENNER. During what years?

Mr. NUSSER. During the year of 1937.

Mr. TAVENNER. Where did you reside prior to going to Spain in 1937?

Mr. NUSSER. Pittsburgh.

Mr. TAVENNER. Where did you live upon your return from Spain?

Mr. NUSSER. I went back to Pittsburgh.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. NUSSER. I am a high-school graduate.

Mr. TAVENNER. Will you tell the committee, please, what your employment was in Pittsburgh prior to your leaving for Spain in 1937?

Mr. NUSSER. This was not in Pittsburgh but I was in Pittsburgh when I got this employment in the Civilian Conservation Corps.

Mr. TAVENNER. What was your business in Spain? Were you employed in Spain?

Mr. NUSSER. No, sir.

Mr. TAVENNER. Were you in the military forces in Spain?

Mr. NUSSER. Yes, sir; I was. On the side of the Spanish Republic.

Mr. TAVENNER. Did you have a passport?

Mr. NUSSER. Yes, sir.

Mr. TAVENNER. Was the passport issued under your name?

(The witness conferred with his counsel.)

Mr. NUSSER. Yes.

Mr. TAVENNER. What was that name?

Mr. NUSSER. Charles Nusser.

Mr. TAVENNER. You used the name Charles Nusser in making an application for the passport?

Mr. NUSSER. Yes, sir.

Mr. TAVENNER. In your passport application did you state your purpose in going to Europe?

Mr. NUSSER. I stated I was going to Europe. That is all I was asked.

Mr. TAVENNER. You did not advise the State Department you proposed to go to Spain?

Mr. NUSSER. No, sir.

Mr. SCHIERER. What countries did you say you were going to travel in?

Mr. NUSSER. I just said Europe and was asked no questions as I remember.

Mr. SCHERER. You are sure your passport application didn't require you to set forth the countries you were going to travel in—

Mr. NUSSER. I don't remember.

Mr. SCHERER. Let me finish. And the purpose of your visit to Europe?

Mr. NUSSER. I wouldn't want to swear to it. It has been so long ago.

Mr. SCHERER. Isn't it a fact, Witness, that you did not mention in your passport that you were going to Spain, but said that you were going to at least 2 or 3 other countries? Isn't that right.

Mr. NUSSER. I don't remember, sir. I wouldn't swear that it is not.

Mr. SCHERER. What purpose did you set forth in your passport application?

Mr. NUSSER. I really don't remember.

Mr. SCHERER. You did not tell them you were going to Spain to fight, in the Spanish Civil war, did you?

Mr. NUSSER. No, sir; I did not.

Mr. SCHERER. You know a passport wouldn't have been issued you if you told the truth in your application, do you not?

Mr. NUSSER. Unfortunately I am afraid that I wouldn't have been given a passport to go to Spain to fight against the invasion of Hitler and Mussolini.

Mr. SCHERER. That wasn't my question. You knew if you had told the truth on your application for passport—namely, you were going to fight in the Spanish Civil War—you would not have been granted a passport.

Mr. NUSSER. As far as I know, I didn't tell any place on the passport.

Mr. SCHERER. Was that your purpose in going to Europe?

Mr. NUSSER. My purpose in going to Spain was the same purpose that thousands of other people throughout the world had and that was to meet the onslaught of fascism head-on and stop it and try to prevent World War II.

Mr. SCHERER. If you stated on your application for passport that your purpose was other than what you have just stated then you lied in your application for passport, did you not?

Mr. NUSSER. I don't get that clearly, sir; no. I didn't say anything in the pass about that.

Mr. SCHERER. You told us just now what your purpose was in going to Europe and Spain. I am saying that if in your application for passport you stated some other purpose, then you weren't telling the truth in your application.

Mr. NUSSER. I don't remember stating any lies in the passport. I did not, however, state that I was going to Spain. However, I don't quite get the point you are trying to make here, Congressman.

Mr. TAVENNER. When did you return from Spain?

Mr. NUSSER. As I remember, it was some time at the end of 1937, in October, sometime around that time.

Mr. TAVENNER. Did you return on the passport that was originally issued you or did you file a second application?

Mr. NUSSER. I returned on the passport that was issued to me.

Mr. TAVENNER. From what city did you return to the United States?

Mr. NUSSER. I don't remember, but it was somewhere in France, one of the ports.

Mr. TAVENNER. You stated on your return you went to Pittsburgh.

Mr. NUSSER. Yes, sir.

Mr. TAVENNER. Did you become employed in Pittsburgh?

Mr. NUSSER. I would like to confer with counsel.

(The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question on the grounds of the fifth amendment, that I refuse to be a witness against myself.

Mr. DOYLE. Do you mean as to whether or not you became employed would incriminate you?

Mr. NUSSER. That is correct.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. DOYLE. I direct the witness to answer the question.

Mr. NUSSER. My answer is the same for the reason stated.

Mr. SCHERER. Were you employed in any illegal activity? That is the only basis for which you could use the fifth amendment.

Mr. NUSSER. Same answer, same reasons.

Mr. SCHERER. We can only infer that your activity was illegal.

Mr. SACHER. Just a moment.

Mr. DOYLE. If you want to speak to us, Mr. Counsel, speak through your own client. I want to warn you again. I don't want to be impolite, but I want you to obey the rules.

(The witness conferred with his counsel.)

Mr. NUSSER. Mr. Chairman, I want to object to the statement of the Congressman and the inference of guilt. The use of the fifth amendment—

Mr. DOYLE. We will conduct the hearing and you do your part of it.

Mr. NUSSER. I am trying to, sir.

Mr. DOYLE. This is not a court. I am sure your counsel understands that.

Mr. SACHER. Do you want me to answer that? When you say, I understand it, I will be quiet or respond. I am ready to be quiet.

Mr. DOYLE. You be quiet and obey the rules of the committee or you will be asked to leave the courtroom.

Mr. TAVENNER. Mr. Nussler, were you recruited for service in Spain by the Communist Party?

(The witness conferred with his counsel.)

Mr. NUSSER. I have declined to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of the Communist Party at the time you made your application for a passport to Spain?

(The witness conferred with his counsel.)

Mr. NUSSER. Same answer, same reasons. I might add to that question that I insist that the use of the fifth amendment does not infer guilt. On the contrary, our Founding Fathers put the fifth amendment into the Constitution precisely to protect the innocent.

Mr. TAVENNER. Mr. Nussler, I hand you a photostatic copy of the Daily Worker issue of October 18, 1950, and call your attention to an article there, "Jersey City Government Votes Communist Party Registration Law," and to the third paragraph in that article. You will see your name in the third paragraph underscored in red. Will you read that paragraph, please?

Mr. NUSSER. I decline to read it. If you want to read it, you are capable.

Mr. TAVENNER. Will you examine it and state whether or not that article states the truth?

Mr. DOYLE. May I ask on what grounds you decline to read it, or don't you want to plead any grounds?

(The witness conferred with his counsel.)

Mr. SCHERER. To get the record straight I ask that you direct the witness to read the paragraph which counsel asked him to read. Reading that paragraph can't possibly incriminate him. The next question might, but that question cannot. It is merely a direction to read a paragraph.

(The witness conferred with his counsel.)

Mr. NUSSER. This is a document, sir. It is not evidence of anything that I can see and I also plead on the ground of the fifth amendment that it might possibly tend to incriminate me.

Mr. DOYLE. I direct the witness to answer the question and read the paragraph.

Mr. NUSSER. I respectfully decline, sir, for the reasons stated.

Mr. SCHERER. The witness is clearly in contempt.

Mr. TAVENNER. If the article is not evidence of anything it could not possibly incriminate you, but I will read it:

Charles Nusser, World War II veteran and secretary of the New Jersey Communist Party, flatly informed the commissioners not a single Communist would register under the ordinance.

This article states, as I read, that you were at the time secretary of the New Jersey Communist Party. Did it correctly state the facts?

(The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer, sir, on the grounds previously stated.

Mr. TAVENNER. I offer the document in evidence and ask that it be marked "Nusser Exhibit No. 1," and that it be incorporated in the transcript of the record.

Mr. DOYLE. It is so ordered.

(The exhibit referred to appears on p. 1049.)

Mr. DOYLE. May I ask for the record, Mr. Tavenner, what ordinance that is, what ordinance was referred to which Mr. Nusser stated the Communist Party would not register under?

Mr. TAVENNER. It is a registration ordinance adopted by the city commissioners of Jersey City, N. J.

Mr. DOYLE. What year?

Mr. TAVENNER. 1950. I hand you a photostatic copy of the Daily Worker issue of July 8, 1954, and direct your attention to an article entitled "Communist Party Conference Set for August 7-8, on Elections," in the course of which you will note your name underscored. Will you examine it, please.

(The witness conferred with his counsel.)

Mr. SCHERER. Will you read the paragraph in which your name appears, Witness?

(The witness conferred with his counsel.)

Mr. NUSSER. Mr. Congressman, I respectfully decline to read that on the grounds heretofore stated.

Jersey City Gov't Votes CP Registration Law

By John Norman

JERSEY CITY, Oct. 17.—Mayor John V. Kenny pushed his "little police-state" registration ordinance through the city commission on schedule today. But before the five commissioners lined up for their "ya" votes at the end of a stormy hearing, a stream of opposition spokesmen had made it clear that the people of this city want no part of McCarran-type thought control legislation.

The bill, due to take effect Oct. 27, calls for police registration of anybody living in or passing through Jersey City who is considered to be a "Communist" or member of a "Communist-front" organization. Refusal to register calls for a penalty of 90 days in jail and \$200 fine for each day of refusal. There was frequent heckling by the Commissioner and attempt to intimidate opposition spokesmen. Kenny himself swung between dour silence and red-faced rage as:

- Charles Nusser, World War II veteran and secretary of the New Jersey Communist Party, flatly informed the Commissioners not a single Communist would register under the ordinance.

- Herbert M. Levy, staff counsel for the American Civil Liberties Union, announced the ACLU will be "glad to aid any test to challenge the ordinance."

- Lewis Moroze, Pacific combat veteran and state executive secretary of the Civil Rights Congress, cited a battery of court decisions—as well as the statement of President Truman—to prove the bill's unconstitutionality.

- And a gathering of plain and prominent Jersey Citys—all supporters of Mayor Kenny's "Freedom Ticket" that unseated Frank Hague last year—took time off from the business and their house-

work to express their opposition to Kenny's revival of Hagueism.

Lined up to present a show of support for the gag law were a knot of "veteran leaders," complete with overseas caps and panaches who turned out on inquiry to be:

- A Hudson County court officer.

- A Jersey City cop.

- A retired Jersey City cop.

- An executive of a building supply company with city contracts.

- A New York City real estate corporation head who lives in swank Point Pleasant Beach, N. J., 16 miles from Jersey City.

City Hall employes stood at the front of the Commission chambers, waving their hands and initiating applause at the Commissioners' attacks on "atheistic Communism."

In spite of ranting speeches by Kenny denying the ordinance's anti-Negro cover, anti-Semitic overtones, the hearing substantiated the opposition's charges. David White, World War II combat veteran and well-known Jersey City Negro leader, was not even allowed to speak. White, Communist nominee for freeholder, is the only Negro candidate to appear on the ballot to appear on the ballot in Hudson County Nov. 7.

As H. M. Levy, the Civil Liberties Union representative finished his remarks, a burly cop asked in a hoarse whisper, "What is his name?" and leered in an anti-Semitic gesture with both arms.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to read the paragraph in the exhibit before him in which his name appears.

Mr. DOYLE. I so instruct you.

Mr. NUSSER. I refuse respectfully on the same grounds.

Mr. TAVENNER. According to this article, more than 150 delegates from 20 States were expected at a 2-day national conference to discuss Communist policy in the 1954 election campaign. According to this article members of the campaign committee were various persons including yourself, Charles Nusser. Were you a member of the campaign committee as indicated by this article?

(The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question on the grounds previously.

Mr. TAVENNER. It is noted here that the name following yours is that of Steve Nelson. Were you acquainted with Steve Nelson?

(The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Did he serve on the campaign committee with you for the Communist Party in 1954?

Mr. NUSSER. I decline to answer on the grounds previously stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Nusser Exhibit 2," and that it be incorporated in the transcript of the record.

Mr. DOYLE. It is so ordered.

For what election was that campaign committee organized? Does that document show?

Mr. TAVENNER. It is the 1954 national election.

(The exhibit referred to is as follows:)

NUSSER EXHIBIT No. 2

Page 2 — Daily Worker, New York, Thursday, July 8, 1954

CP Conference Set for Aug. 7 - 8 on Elections

A two-day national conference to discuss Communist policy in the 1954 election campaign will be held Aug. 7 and 8 in New York, it was announced yesterday by Pettis Perry, chairman of the Communist National Election Campaign Committee.

More than 150 delegates from 20 states are expected. A public rally will open the conference Friday, Aug. 6. The meeting will be held at the auditorium of the Yugoslav-American Home, 405 West 41st St.

The conference will discuss the outlook for the Congressional campaign and Communist candidacies in a number of localities on the basis of the widely-circulated new

Draft Program of the Communist Party.

The conference is expected to indicate its position towards candidates and programs of the major parties. Keynote of the conference deliberations, Perry said, is the following section of the Communist Party's Draft Program:

"The 1954 elections are crucial in determining the path America will take. McCarthy already has thrown down the gauntlet to the American people. What is needed is unity of every decent, honest force of our people, of all independent-minded voters, whether Democrats, Republicans, or Progressives. Such unity must set itself the objec-

tive of electing an anti-McCarthy-McCarran-Dixiecrat type of candidate, every pro-fascist and war-monger."

The conference is expected to adopt its own legislative program.

Members of the campaign committee, besides Perry, are: Otis Hood, Massachusetts; Charles Nusser, New Jersey; Steve Nelson and Thomas Nabried, Pennsylvania; William Schneiderman, California; Elizabeth Gurley Flynn, George Blake Chamey, George Watt, Alexander Trachtenberg, Albert F. Lannon, Arnold Johnson and Simon W. Gerson, New York.

Trachtenberg is treasurer and Gerson is secretary of the committee.

Mr. TAVENNER. Mr. Nusser, I hand you a photostatic copy of the August 9, 1954, issue of the Daily Worker and call the witness' attention to an article entitled, "Perry Tells Rally 1954 elections Can Spike Guns of McCarthyites." I call the witness' attention to his name underscored in red in the third paragraph. Will you examine it and state whether or not the description of your title appearing after your name correctly indicated your position in the Communist Party? (The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question on the grounds already stated.

Mr. TAVENNER. The article proceeds to describe brief speeches that were made by various persons. Among those persons speaking, it was said, was Charles Nusser, New Jersey Communist candidate for councilman in Newark.

Were you in August 1954 a Communist candidate for councilman in Newark?

(The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question.

Mr. SCHERER. Mr. Chairman, that is a matter of public record, and I think you should direct the witness to so answer the question.

Mr. NUSSER. I decline on the grounds previously stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Nusser Exhibit No. 3." and that it be incorporated in the transcript of the record.

Mr. DOYLE. It is so ordered.

(The exhibit referred to appears on p. 1052.)

Perry Tells Rally '54 Elections Can Spike Guns of McCarthyites

A Communist Party election rally Friday night which opened a weekend national conference attended by 150 delegates from 24 states enthusiastically cheered pledges to help rally the people in a mighty electoral front against McCarthyism, and war in the crucial poll struggles ahead.

The jammed Yugoslav-American Hall confirmed growing confidence of Communist leaders from every part of the nation that the "forces of darkness" can be routed in November. The rally had a festive air as delegates from North, South, East and West gathered for the first national election conference since 1950 to hear Party leaders review the issues and express their faith in the democratic strength of the American people.

Major speakers were Elizabeth Curley Flynn, candidate for Congress in the 24th C.D., the Bronx, and Pettis Perry, National Committee member. Both are Smith Act victims. Simon W. Gerson, the Party's state legislative spokesman, was chairman.

Brief speeches that received ovations were made by Frank Alexander, Negro Party leader from California and Lincoln Vet, Saul Wellman, another Smith Act victim from Detroit, Mrs. Gerakine Lightfoot, wife of the heroic Negro Illinois Communist, Claude Lightfoot, now in a Chicago jail with a bail of \$30,000 to raise; William Seutner, UE leader from St. Louis who faces prison for challenging McCarthyism, and Charles Nusser, New Jersey Communist candidate for Councilman in Newark.

Perry's address said that the 1954 elections were taking place in a period of upsurge against McCarthyism and "unlike 1952 the peace forces of the world and the peace-loving masses of our country here won a number of significant victories on the international front."

The Communist leader declared that it was the American people who "in no small way" prevented U. S. military intervention in Indochina, forced a truce in Korea, and generally "staved the hand of Eisenhower and Dulles."

Perry warned against concluding that this mass protest thereby eliminated the danger of war. "The

aim of Big Business, of Wall Street, is still war and war domination," he added, urging that continued alertness against "insane military adventure" remained a life-and-death responsibility for democratic Americans.

He noted, as one of the most significant electoral developments this year, the rise of a "majority anti-McCarthy sentiment."

Gerson, who the day before had defied inquisition pressures from the Jenner Committee in Washington, chaired the meeting as secretary of the National Campaign Election Committee.

Perry warned against fighting merely for a change from Republican to Democrat, "Labor and the peace force must demand a change in the composition of Congress," he said. "That means, among other things, fighting to elect an anti-McCarthy Congress, fighting to defeat all rabid McCarthyite warmongers, whether of the Republican or Democratic Party."

He said that in this respect, despite labor's increasing role in the election campaign, union official-

dom still were too dependent—"too much tailing"—on the Democratic Party. "What of the Farley Democrats? What of the McCarran Democrats? What of the Dixiecrats?" he asked.

Stressing the elections in New York State which "is being watched by the nation," Perry declared that great possibilities were apparent for a powerful state-wide mobilization by labor and the people to sweep the Dewey Administration out of office.

Perry said those who opposed the American Labor Party's plan to run a candidate for governor were "quite wrong." It would be a "serious blow to the voters and democratic forces" if the ALP failed to run a gubernatorial candidate and eliminated itself as an official electoral body, he said.

He hailed the opportunity to return to Congress "that great fighter for peace and against McCarthyism, Vito Marcantonio" and called for a powerful effort to elect Elizabeth Curley Flynn, running against Rep. Charles Buckley in the Bronx.

Mr. SCHERER. Mr. Nusser, have you had any contact with Communist Party officials in Russia in the last year?

(The witness conferred with his counsel.)

Mr. NUSSEER. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. Have you had any contact with any Russian agents during the past year?

Mr. NUSSEER. I don't know what some stoolpigeon may have testified before your committee, but I decline to answer the question on the grounds previously stated.

Mr. SCHERER. Do you refuse to tell us whether or not you have had any contact with any Russian agents during the last year?

Mr. NUSSEER. The same reply for the same reasons.

Mr. SCHERER. If this so-called stoolpigeon had told us you had had contact with a Russian agent, would that stoolpigeon be telling the truth or would he be lying?

Mr. NUSSEER. I decline to answer that question, sir, on the grounds previously stated.

Mr. DOYLE. I am not aware, Mr. Scherer, of ever having had a stoolpigeon such as this gentleman referred to before our committee.

Mr. NUSSEER. A great many people think you have, sir.

Mr. DOYLE. I know a great many Communists think so, and they will always think so.

Mr. NUSSEER. Not just Communists.

Mr. DOYLE. One thing about these people you refer to, they seem to be telling the truth.

Mr. NUSSEER. In fact, sir, committees like this would collapse without stoolpigeons.

Mr. TAVENNER. I hand you, Mr. Nusser, a photostatic copy of a Communist Party nominating petition for the year 1952. Will you examine it, please.

Mr. NUSSEER. What do you want me to examine, sir, the whole petition?

Mr. TAVENNER. What is the petition? It is a petition for whom?

Mr. NUSSEER. I decline to answer that question, sir, on the grounds previously stated.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. Let the record first show he is examining the petition pretty thoroughly.

Mr. NUSSEER. It is a big, long petition. You can't examine it too thoroughly. In any case, my answer and for the same reasons remains the same.

Mr. DOYLE. I instruct you to answer the question. Witness.

Mr. NUSSEER. I refuse, sir, on the grounds stated.

Mr. SCHERER. Mr. Nusser, where were you living on the 15th day of September 1952?

(The witness conferred with his counsel.)

Mr. NUSSEER. If I remember correctly, I believe I was living at 1 Horatio Court in Newark.

Mr. SCHERER. There is no question that you are the Charles Nusser residing at 1 Horatio Court, Newark, N. J., who was a candidate on the Communist Party ticket in the year 1952, is there?

Mr. NUSSER. I decline, respectfully decline to answer, sir, on the grounds stated previously.

Mr. TAVENNER. I desire to offer the photostatic copy of the petition of Charles Nusser as a candidate for the position of member of the board of chosen freeholders, bearing date of September 15, 1952, in evidence, and ask that it be marked "Nusser Exhibit No. 4" for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. Does it show a political party registration?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. What does it show?

Mr. TAVENNER. Designation, Communist Party.

Mr. DOYLE. So marked and so received.

Mr. TAVENNER. The affidavit in the last page of exhibit No. 4 shows that 5 persons circulated the petition, that the petition was made in good faith and that the affiants saw all the signatures thereto and verily I believe that the signers are duly qualified voters. One of those 5 persons is Frank Chandler. Were you acquainted with Frank Chandler?

(The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question, sir, on the grounds stated previously.

Mr. TAVENNER. The name of another person appearing as an affiant is Elwood M. Dean. Were you acquainted with Mr. Dean?

Mr. NUSSER. Same answer, sir, same reasons.

Mr. TAVENNER. Another is Helen Conrad.

Mr. NUSSER. Same answer to that question and same reasons.

Mr. TAVENNER. Mr. Nusser, were you educational director of the Communist Party in the city of Newark at any time between 1950 and 1953?

Mr. NUSSER. I decline to answer that question, sir, on the grounds previously stated.

Mr. TAVENNER. You stated you first took up your residence in Newark about 10 years ago, if I recall your testimony correctly.

Mr. NUSSER. Maybe a little more than that, around that time.

Mr. TAVENNER. What was your employment when you first took up your residence in Newark.

Mr. NUSSER. I worked in a tannery.

Mr. TAVENNER. Did you become a member of the International Fur and Leather Workers' Union at that time?

Mr. NUSSER. I certainly did. I always join a union any place I work.

Mr. TAVENNER. How long did you remain a member of that union?

Mr. NUSSER. I think for a few years. I don't remember exactly.

Mr. TAVENNER. Did you hold any office in the union?

(The witness consulted with his counsel.)

Mr. NUSSER. Yes; I once did hold a position in that union.

Mr. TAVENNER. What was the position or positions that you held?

Mr. NUSSER. Business agent or organizer.

Mr. TAVENNER. Did you hold any other position?

Mr. NUSSER. I may have, but not that I remember specifically. That was the main one.

Mr. TAVENNER. Did you resign from your position?

(The witness consulted with his counsel.)

Mr. NUSSER. Yes; I did resign.

Mr. TAVENNER. What was the approximate date of your resignation?

Mr. NUSSER. It was sometime in 1945, toward the end of 1945, I believe.

Mr. TAVENNER. Did you resign in order to take another position elsewhere?

(The witness conferred with his counsel.)

Mr. NUSSER. Yes.

Mr. TAVENNER. What was that position?

(The witness conferred with his counsel.)

Mr. NUSSER. I respectfully decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of the Communist Party at the time you were business agent of the International Fur and Leather Workers' Union?

(The witness consulted with his counsel.)

Mr. NUSSER. I decline to answer that question, sir, on the grounds previously stated.

Mr. TAVENNER. After 1945 did you continue to meet from time to time with representatives of the Fur and Leather Workers' union?

(The witness consulted with his counsel.)

Mr. NUSSER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Have you at any time met with organizers of the United Electrical, Radio and Machine Workers of America for the purpose of discussing Communist Party matters?

Mr. NUSSER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Will you state whether or not the headquarters of the Communist Party was located at 38-40 Park Place, in the city of Newark from 1946 to 1951?

Mr. NUSSER. No, sir; I will not state that. I respectfully decline to answer that question on the grounds previously stated.

Mr. SCHERER. Do you know where the Communist Party headquarters were located at that time?

Mr. NUSSER. Same answer, same reasons, Congressman.

Mr. TAVENNER. Did you not pay \$115 a month rent from June 1946 to April 1, 1949, for the quarters located at 40 Park Place?

Mr. NUSSER. I decline to answer on the grounds previously given.

Mr. TAVENNER. Did you not pay \$230 per month rent from April 1, 1949, to October 1, 1950?

Mr. NUSSER. Same answer, same reasons.

Mr. DOYLE. He paid in what capacity, Mr. Tavenner? What group was occupying it?

Mr. TAVENNER. Did you pay the amount indicated as rent for Communist Party headquarters in the city of Newark?

Mr. NUSSER. Did I pay what?

Mr. TAVENNER. \$230 a month rent from April 1, 1949, to October 1, 1950.

Mr. NUSSER. I decline to answer that question, sir, on the grounds stated previously.

Mr. TAVENNER. I hand you a photostatic copy of a throw-away marked, "Issued by the Civil Rights Congress of New Jersey." Will you examine it, please, and state whether or not you can identify it or any of its contents as to its source?

Mr. NUSSER. Would the stenographer please read the question back? (The reporter read from his notes as requested.) (The witness consulted with his counsel.)

Mr. NUSSER. After examining it I must respectfully decline to answer on the grounds previously stated.

Mr. TAVENNER. Will you examine particularly that part of the document which is set up in black borders which has at the bottom of it, "Issued by the Communist Party of New Jersey."

Mr. NUSSER. What is the question?

Mr. TAVENNER. I am calling your attention to that, and I ask you to state specifically whether or not you know the origin of the material which is printed there.

(The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question on the grounds previously mentioned.

Mr. TAVENNER. Do you recall an occasion on January 18, 1951, when the city police of Newark executed a search warrant at 38-40 Park Place, Newark, N. J., and that during the execution of that search warrant you came into that place? Do you recall that occasion?

Mr. NUSSER. I respectfully decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Mr. Chairman, at this point I would like to ask the witness to step down momentarily while I call another witness.

Mr. DOYLE. Will you, counsel, and Mr. Nusser, vacate the witness chair for a short time. I will call you back in a few minutes.

(Whereupon the witness was temporarily excused.)

Mr. TAVENNER. Lieutenant John Owens.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OWENS. I do.

TESTIMONY OF LT. JOHN OWENS

Mr. TAVENNER. What is your name?

Lieutenant OWENS. John Owens.

Mr. TAVENNER. What is your official position with the city of Newark?

Lieutenant OWENS. Lieutenant of Police.

Mr. TAVENNER. Mr. Owens, did you have charge of the execution of a search warrant on January 18, 1951, at 38-40 Park Place, Newark?

Lieutenant OWENS. I did.

Mr. TAVENNER. The Committee on Un-American Activities has served upon your department a subpoena duces tecum to produce the records you procured in the execution of that search warrant. Do you have them?

Lieutenant OWENS. Yes, sir.

Mr. TAVENNER. Will you let me see them, please?

Lieutenant, I have taken from the envelope which you just handed me a leaflet entitled "Life or Death, It's Your Choice," at the bottom

of which appears the notation, "Issued by the Communist Party of New Jersey, 38 Park Place, Newark 2, New Jersey."

Will you examine it, please, and state whether or not you can identify it as the paper you seized during the execution of that search warrant?

Lieutenant OWENS. Yes; this is the paper.

Mr. TAVENNER. I return the envelope to you and ask you whether or not there is a letter in the envelope which you received at that time during the execution of the search warrant. Will you examine it and see if it contains the letter?

Lieutenant OWENS. Yes.

Mr. TAVENNER. I hand you also a report entitled "Youth Report," with the word "Lenore" written on it. Will you identify that paper as one of the papers seized?

Lieutenant OWENS. Yes. This paper was seized.

Mr. TAVENNER. I find also a document marked, "Rank and File." Is that one of the papers you seized during the execution of the search warrant?

Lieutenant OWENS. Yes; these are the same papers.

Mr. TAVENNER. Will you tell the committee, please, just what you did in the execution of the search warrant?

Lieutenant OWENS. In what respect?

Mr. TAVENNER. As to whether you found these particular papers, who were present, and what conversations, if any, were had with persons found present.

Lieutenant OWENS. At the time we entered the offices, there were only two people present, a man and a woman. The man was Louis or Lou Malinow and the woman was Esther Engle.

Search was conducted by two other men and myself. These papers which you just presented to me were found on the desks, of which there were several in this room. This paper I have in my hand consists of 3 sheets, which was found on the desk of Martha Stone, which pertains to the "Rank and File." This concerns longshoremen on the Hoboken waterfront.

These papers here, there are 5 in number, pertain to a youth report, typewritten, with a lot of corrections in writing in it which was also found on the desk of Martha Stone.

While the search was in progress, Charles Nusser came into the room. He gave us one of these pamphlets and told us he was a member of the party, the Communist Party, their headquarters there, said he was educational director.

Mr. DOYLE. You are now holding up the one page printed matter with the question mark at the top that says "Life or Death, It's Your Choice."

Lieutenant OWENS. That is right.

Mr. DOYLE. Was that paper given to you by Mr. Nusser?

Lieutenant OWENS. A pamphlet similar to that one, sir. There was picked up on Mr. Nusser's desk a letter which contained this leaflet, a clipping showing, a newspaper clipping under date of January 11, 1951, showing a picture of him when he was arrested in Elizabeth, N. J., and a letter which was written apparently by him because the envelope was addressed to his family in Arizona, and quoting the last two lines of the letter which is under "P. S." "I really made the cycle on the leaflet: wrote it, distributed it and served time."

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. TAVENNER. I desire to offer the documents presented by the witness in evidence and ask that they be marked. "Owens Exhibit No. 1." for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. TAVENNER. Did you find any other documents besides those you have mentioned?

Lieutenant OWENS. A photograph was found in the desk of Lou Malinow. I gave it to you, Mr. Tavenner.

Mr. TAVENNER. Is this it?

Lieutenant OWENS. That is it. This is a picture of Joseph Stalin. It was found in the desk of Louis Malinow by one of the men with me whose name is indicated on the reverse side here.

Mr. DOYLE. Didn't you find any pictures of the American flag there, or Stars and Stripes?

Lieutenant OWENS. No American flag, no Stars and Stripes of any kind.

Mr. DOYLE. No pictures of any of the great Presidents of the United States?

Lieutenant OWENS. No, sir.

Mr. DOYLE. No picture or photograph of the United States Constitution or Declaration of Independence?

Lieutenant OWENS. No, sir.

Mr. SCHERER. No excerpts from the fifth amendment either?

Lieutenant OWENS. No.

Mr. DOYLE. Was Mr. Nusser there when you found this picture of Mr. Stalin?

Lieutenant OWENS. He was, sir.

Mr. DOYLE. Was the picture lying on the desk?

Lieutenant OWENS. No; it was in the drawer.

Mr. DOYLE. The picture looks as though at one time a pin or a tack had been stuck through the top of it indicating it had been on some wall or some fence or something.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Is the Lieutenant excused?

Mr. TAVENNER. Yes, sir.

(Whereupon the witness was excused.)

May I recall Mr. Nusser.

Mr. DOYLE. Mr. Nusser and counsel, will you please return to the stand.

TESTIMONY OF CHARLES NUSSER, ACCOMPANIED BY COUNSEL, HARRY SACHER—Resumed

Mr. TAVENNER. Mr. Nusser, was Lieutenant Owens telling this committee the truth when he stated that you admitted that you prepared this document?

Mr. NUSSER. I must respectfully decline to answer that question for the reasons previously stated.

Mr. SCHERER. Witness, you have an opportunity to deny the testimony of the witness called by this committee, and you refuse to take

the opportunity to do so. Are you going out afterward and call the lieutenant a stoolpigeon?

Mr. NUSSER. Mr. Chairman, is the Congressman seriously putting the question?

Mr. SCHERER. I certainly am.

Mr. NUSSER. If you want my opinion on the subject of stoolpigeons, I am quite qualified.

Mr. SCHERER. I am not asking your opinion. You referred to stoolpigeons and called the witnesses we have had before this committee stoolpigeons. I want to know if you are going to go out now after you have had the opportunity to deny or affirm the testimony of this witness, and refer to him as a stoolpigeon.

(The witness conferred with his counsel.)

Mr. NUSSER. I think it is plain, sir, that Mr. Owens evidently was an officer of the law.

Mr. SCHERER. That is obvious even to the dumbest of us, but that is not my question.

(The witness conferred with his counsel.)

Mr. NUSSER. If I had any reference to make to him I would not refer to Mr. Owens as a stoolpigeon. I might refer to him as a reactionary and red baiter and a few other things. I refer to a stoolpigeon as a stoolpigeon.

Mr. SCHERER. I think he is a fine American.

Mr. NUSSER. There are differences of opinion, sir.

Mr. TAVENNER. Lieutenant Owens read this postscript to the letter taken from your desk as follows:

I really made the cycle on the leaflet, wrote it, distributed it and served time.

Will you examine that postscript, please, and state whether or not that is your handwriting?

Mr. NUSSER. I would decline to answer that question, sir, on the grounds previously stated.

Mr. TAVENNER. You did write the document, didn't you?

Mr. NUSSER. I decline to answer on the grounds previously stated.

Mr. TAVENNER. Where did you have it printed?

Mr. NUSSER. I decline to answer that question on the grounds previously stated.

(The witness conferred with his counsel.)

Mr. SCHERER. Was anything Lieutenant Owens said on the stand, any statement he made untrue?

Mr. NUSSER. I decline to answer that, sir, on the grounds previously stated.

Mr. SCHERER. The fact is, isn't it, that everything he said was true?

Mr. NUSSER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. I want to read to you another notation from that letter.

CRC reproduced the leaflet adding some comments of their own on free speech and distributed it the morning of the day I was released.

Is it a fact, or isn't it a fact that the Civil Rights Congress did reproduce this leaflet, the one you prepared, and made it a part of the leaflet which I first handed you prepared by the Civil Rights Congress?

Mr. NUSSER. Are you asking me that as a question?

Mr. TAVENNER. Yes.

Mr. NUSSER. I respectfully decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Did the Communist Party through you or any of its agents pay the Civil Rights Congress any money for the publication of identically the same material in its leaflet?

Mr. NUSSER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. I desire to introduce in evidence the Civil Rights Congress leaflet which I have presented to the witness and ask that it be marked "Nusser Exhibit No. 5," and that it be incorporated in the transcript of the record.

Mr. DOYLE. It is so ordered.

(The exhibit referred to appears on p. 1061.)

Mr. TAVENNER. I also desire to remove from the documents presented by Lieutenant Owens the leaflet issued by the Communist Party and have it given a separate number, that of Nusser Exhibit No. 6 for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. TAVENNER. A comparison, Mr. Chairman, will indicate that the Civil Rights Congress exhibit includes within the black square, word for word, the "Life or Death" pamphlet admittedly written according to the testimony of Lieutenant Owens—

Mr. SCHERER. Not denied by the author.

Mr. TAVENNER. What is the basis for your refusal to state where you obtained printing to be done for this document?

(The witness consulted with his counsel.)

Mr. NUSSER. On the grounds, sir, that I decline to be a witness against myself.

Mr. TAVENNER. Lieutenant Owens has indicated that you were arrested in connection with the execution of this search warrant. Was bail furnished for you?

(The witness consulted with his counsel.)

Mr. NUSSER. I would have to decline to answer that question, sir, on the grounds previously stated.

Mr. TAVENNER. Isn't it a fact that at the time you were arrested Esther Engle and Louis Malinow were also arrested?

Mr. NUSSER. I decline to answer that question on the grounds stated previously.

Mr. TAVENNER. Isn't it a fact each of you were held in \$1,000 bail, making a total of \$3,000?

Mr. NUSSER. I decline to answer for the same reasons.

Mr. TAVENNER. Isn't it a fact that the Civil Rights Congress, acting through Lewis Moroze offered \$3,000 bail in cash for the release of the three of you?

Mr. NUSSER. I decline to answer on the same grounds.

Mr. TAVENNER. Are you acquainted with a person by the name of Barbara Hartle?

Mr. NUSSER. I would decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Barbara Hartle was one of the top Communists prosecuted under the Smith Act in Seattle, Wash. After her conviction and sentence she made it known to this committee that she was

NUSSER EXHIBIT No. 5

THIS IS THE \$30,000 LEAFLET**LIFE OR DEATH ? IT'S YOUR CHOICE**

The American people do not want war! But every day brings new threats of war

Truman is "considerate" dropping the "A" bomb. MacArthur calls for all out war against 475 million Chinese. The reactionaries make—like Dupont—are fearful. The blood shed in Korea has brought them millions in profits. They look forward to billions more in a new World War.

But what about the American people? What do we have to gain? Do we want to die for MacArthur's glory and Dupont's profit? What could we expect from such a war?

America would have to fight a war in China alone—7,000 miles from our shores. All the people of Asia would be up in arms against us. We could expect no help from the most conservative governments of Europe. We would have to fight this war ourselves—bored and depleted by hundreds of millions of people.

This war would bring misery, death, destruction to the American people. It might last for years and we could never win it. Drop the atom bomb! Maybe that would help us! That's no answer. If the bomb can be dropped on China or on the Soviet Union it can also be dropped on the United States. Truman must be prevented from ordering the bomb dropped!

Such a war would be national suicide for the United States! Regardless of what the Truman and the MacArthur want to do why should we commit suicide?

TO FIGHT FOR PEACE IS PATRIOTIC!

Every American who stands for Peace is a real patriot! No matter what the newspapers or the radio commentators say, to oppose everything that leads to war is the best kind of Americanism. It is loyalty to America—to your family and friends, and to the people—to speak up for Peace. The MacArthur's who call for more war are not the patriots. They are the worst enemies of America because they would destroy us all.

SPEAK UP! YOUR LIFE IS THE TARGET!

We do not have to fight China. World War III does not have to come! We can stop it if we act now before it is too late. The few who want war are powerful. But those who want Peace number in the millions. THE MILLIONS WHO WANT PEACE CAN STOP THE FEW WHO WANT WAR.

Think of your husband, your wife, your kids. Think of their future happiness. Truman isn't worried about them, so you must be. ACT FOR PEACE NOW!

Write, telegraph Truman. Get your friends, your church, your union to act.

- MEDIATE THE KOREAN WAR
- REMOVE MacARTHUR
- GET ALL OUTSIDE TROOPS OUT
- BRING OUR BOYS HOME
- NO DROPPING THE "A" BOMB

Issued by Communist Party of New Jersey, 39 Park Place, Newark 1, N. J.

Charles Nusser, a war vet, was jailed on \$30,000 bail for giving out this leaflet at Singer's in Elizabeth. The charge—violating a 1918 "subversion" statute—is based SOLELY ON THIS LEAFLET.

The Civil Rights Congress has read it carefully. It does not call for subverting the U. S. Government. It calls for peace.

There can be agreement or disagreement with its proposals. Millions of Americans are now debating the issue of war or peace. That is the right and patriotic duty of every American. It is your right. It is Charles Nusser's right.

The N. J. Supreme Court ruled on this very statute in 1918: "As long as the Constitution has vigor, man may criticize the Administration, even in time of war. They may even go so far, as patriotic supporters of the party in power did in fact go within the last two years, as to ADVOCATE AN IMMEDIATE PEACE AND TERMINATION OF THE WAR, even though the terms may not be favorable, and as some patriotic citizens, without regard to party, now urge a speedy peace."

Your own rights are at stake. If Charles Nusser is gagged, you can be gagged. A cop could stop YOU from speaking your mind. That must not happen here!

To protect your own rights, the Civil Rights Congress respectfully urges every citizen of Elizabeth and of New Jersey to protest the violation of the U. S. Constitution by the Elizabeth city authorities. We urge you to write, wire, phone or call in person upon Joseph Kirk, Mayor of Elizabeth, demanding the immediate release of Charles Nusser. Write to County Judges Edward A. McGrath and Walter A. Hatfield III, at the Union County Court-house, Elizabeth, demanding reduction of the exorbitant bail.

**FREE SPEECH IS YOUR BIRTHRIGHT—
ACT NOW TO SAVE IT!**

Issued by the Civil Rights Congress of New Jersey
188 Belmont Avenue, Newark, New Jersey.

willing to tell all the facts within her knowledge regarding her years of Communist Party experience as the No. 2 ranking Communist in the Pacific Northwest. She testified in June 1954 in Seattle before this committee, and during the course of her testimony she described a school that she attended in the State of New York, a Communist Party school for which she was especially selected along with representatives from other areas of the United States. This was a 2-month national training school.

Mr. SCHERER. Are you reading her testimony?

Mr. TAVENNER. Yes, sir. This is what she had to say:

In the spring of 1946 I was selected by the district leadership as the district student to a full-time 2-month national training school for theoreticians and propagandists, the school was held at Camp Beacon, which is a recreational camp on the Hudson, not far from New York City. The instructors of the school were top national people of the Communist Party. Some of the students that I recall in this school were—

and she named a few and among them was Charles Nusser.

Was Barbara Hartle's testimony true or false insofar as it referred to your attendance at that school?

Mr. NUSSER. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. Would you classify Barbara Hartle as a stool pigeon? (The witness conferred with his counsel.)

Mr. NUSSER. I decline to answer that question, Congressman, on the grounds previously stated.

Mr. SCHERER. Do you mean it will incriminate you or tend to incriminate you if you tell us whether or not you classify Barbara Hartle as a stool pigeon?

Mr. NUSSER. I decline to answer that question.

Mr. DOYLE. You probably know, Mr. Nusser, she is now in a Federal penitentiary serving time because of her former loyalty to the Communist Party, but of course she has seen daylight, I suppose because she is now serving her own country instead of communism she is a stool pigeon.

Mr. SCHERER. Isn't it a fact this school Barbara Hartle referred to taught the basic principles of sabotage?

Mr. NUSSER. I decline to answer that question, Congressman, on the grounds previously stated.

Mr. TAVENNER. Mr. Chairman, inasmuch as extended reference has been made to Barbara Hartle, I think it fair to state in that connection that Barbara Hartle actually broke with the Communist Party before the completion of her trial. She described all of that in the course of her testimony. However, she would not make it known publicly. She would not make it known to the prosecuting officers. She would not testify about any of her Communist Party experience until after she had been sentenced, and she told this committee that the reason she had not done so was because she felt now she had a contribution to make to her country, but if she gave it prior to sentencing, it might affect the weight of her testimony. She wanted to be sentenced and to be serving her sentence so that the story she was telling would have nothing to do with the amount of her sentence. She is now serving her time at Alderson, W. Va.

Mrs. Hartle is a very brilliant person. She has made a real service to her country. There have been few witnesses ever appearing before this committee who have described the inner workings of the Communist Party in as intelligent a manner as she did. She was a Phi Beta Kappa and a college graduate. And she, like some other people, saw the error in her ways and is now trying to correct it.

Mr. DOYLE. It should be significant to note the extent to which the Communist conspiracy chain extends from Seattle to a summer camp on the Hudson and to Newark, N. J. It is a small world geographically.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. I have no questions, Mr. Nusser, except I do want to say this to you:

You are apparently a man of unusual ability. You know as a matter of fact that we never subpoenaed you until we knew pretty much about you according to our investigation and executive department records and so forth. You may laugh and you may smile, do anything you want about what I am going to say to you. But I am going to say to you just what I say to all other witnesses who appear before the committee and who we know are in the Communist Party and are leaders in the Communist Party. Knowing the evidence as I know it nationwide of the Communist conspiracy, and how it is disrupting labor, how it is gutting out the lifeblood of patriotic American labor, why in God's name don't you get out of the Communist Party and direct your natural ability to building up real organized labor on a patriotic base instead of on a base dedicated to the forceful overthrow, if need be in your judgment—in their judgment—when the time comes, of our constitutional form of government?

I don't want to take advantage of you. I just couldn't let this minute pass without saying to you what I say to almost every witness and I hope you will believe me.

Mr. NUSSER. I have never done anything I have been ashamed of in my life.

Mr. DOYLE. That is what amazes me.

Mr. NUSSER. I fight for what I believe in. I am for peace.

Mr. DOYLE. Who isn't for peace?

Mr. NUSSER. I have always been a member of a union, fought for higher wages and better conditions, for all of these things, and I have never advocated the overthrow of anything.

Mr. DOYLE. You may not have but you are in a gang that does, and you know it because you couldn't be as high in the Communist Party as you are without knowing it.

Mr. NUSSER. I disagree with you, sir.

Mr. DOYLE. We know what some of the people you are with advocate and teach.

The witness is excused.

(Whereupon the witness was excused.)

The committee is going to recess and we regret very much, apparently some of the witnesses and distinguished counsel that hoped to be heard today can't be heard. If you will understand the problem we have had we will appreciate it.

The committee will reconvene at 9:30 tomorrow morning here. We will ask the cooperation of counsel and witnesses to come back.

(Whereupon, at 5 p. m. the committee was recessed, to reconvene at 9:30 a. m. the following day, Tuesday, May 17, 1955.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEWARK, N. J., AREA—PART I

TUESDAY, MAY 17, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Newark, N. J.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 9:50 a. m., pursuant to recess, in the United States Court House, Newark, N. J., Hon. Clyde Doyle, chairman, presiding.

Committee members present: Representatives Clyde Doyle and Gordon H. Scherer.

Committee staff members also present: Frank S. Tavenner, Jr., counsel, and Courtney E. Owens, investigator.

Mr. DOYLE. Come to order, please.

May the record show that the subcommittee is convening with a legal subcommittee quorum present, Mr. Scherer of Ohio, and Mr. Doyle of California.

We appreciated the courtesy and cooperation yesterday of the guests in the courtroom in seeing to it that it was as quiet as possible. I wish to again mention, because I know there are folks here this morning who were not here yesterday, anyone in the courtroom is a guest of the committee and we will not tolerate any evidence of approval or disapproval of anything that is said. Anyone causing a disturbance will be promptly ejected from the courtroom.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, yesterday we had on the witness stand Lieutenant Owens, who produced under subpoena duces tecum certain documents which had been seized in the execution of a search warrant on January 18, 1951. I put all of those documents in evidence as a sheaf of documents, but I want to withdraw from the sheaf of documents 1 or 2 with a view of reading into the record at this point material portions of those documents and to introduce those separate documents as separate exhibits.

Mr. DOYLE. Very well.

Mr. TAVENNER. I desire to offer in evidence a paper entitled, "Rank and File," which was found in the desk of Martha Stone during the execution of the search warrant in Communist Party Headquarters in Newark. I ask that it be marked "Nusser Exhibit No. 7," for identification purposes only, and to be made a part of the committee files. I will now read the pertinent portions of it.

Mr. DOYLE. It will be so marked.

Mr. TAVENNER (reading):

1. Build and develop a rank-and-file force in Hoboken, within a period of 6 months, by making the broadest contact with longshoremen, concentrating on Italian and Portuguese.

Then subdivisions under 1 are:

(a) by March 30 make contact with 325 longshoremen, (b) by March 1 begin a series of meetings with a particular longshoreman, (c) by May 1 call two meetings of as many men as possible.

2. Develop their influence by utilizing their information, criticism and experiences for rank-and-file action and for formulating down-to-earth agitation propaganda—

The subdivisions under 2 are as follows:

(a) Based on pier and job actions, incidents, stories. (b) Discuss with longshoremen as to the uppermost issues. (c) To get them to help organize and distribute rank-and-file paper, literature, material. (d) Involve to a minimum rank and file in financing rank-and-file work. Goal of at least \$10 by May 1.

3. Rank-and-file material: (a) Material to be in Italian and American language, wherever possible using Slav language. (b) Work issue of rank-and-file paper per month to be distributed in Hoboken and J. C. (c) Rank-and-file leaflets per month. (d) To begin by not later than January 30.

4. Our united-front approach to the rank and file.

Under 4 is item (1):

In the coming period the H. T. C. become an active force among the longshoremen and their wives, (2) during this immediate period we have constant contact with the Negro Labor Council activities and organization.

Under that heading is:

(a) One meeting a month with L. G., leadership by Jack, concentrator and his role.

To establish contact with Italian longshoremen on a personal basis through racial, fraternal, political organizations. (b) Begin contact with this one longshoremen once a week on a social basis. (c) By February 15 should know what organization longshoremen belong to and which one is the most influential in deciding. (d) By March 15 should be able to decide which organization he should join, which immediately we find the way and means to become a member. (4) His main responsibility is to bring forward the peace issue based on individual or group discussions.

Next subject deals with independent role of the party, which I will not take time to read into the record.

The next section deals with control tasks for the party club, which I shall not read. But all of which, of course, will be a part of the exhibit retained in the committee files.

I desire now to offer in evidence another document similarly introduced through Lieutenant Owens yesterday, and ask that it be marked "Nusser Exhibit No. 8," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. TAVENNER. This is a report entitled, "Youth Report," and according to the testimony of Lieutenant Owens was found in the desk of Martha Stone, Communist Party organizer.

I will read excerpts from this document on youth:

What is happening to young Americans in the present period while the bourgeoisie of our Nation drives toward world war and fascism. And why are these things happening? How are young Americans fighting back? What role must the Labor Youth League play and what must the league's relations with the Communist Party be in the coming period? These are the questions I will attempt to answer in whole or in part by my report.

In another place is found this sentence:

The effects of the Korean war have, of course, been felt primarily by those who have been sent to fight the freedom-wanting people of Korea, namely, the youth.

At another place in this statement:

This vast militarization program has had already tremendous effects on all young people in the Nation. For them there is no security, not even bourgeois security; they cannot make plans for the future. Young Americans have not taken all this lying down. They have fought back directly and indirectly. The unpopularity of the war can easily be seen by the exceedingly low level of volunteering and the tremendous number of draft delinquents.

At another place:

What role can the Labor Youth League, the Marxist-Leninist organization of youth, play in bringing the young people of America to fight for peace and democracy? The historic first national convention of the LYL held this past Thanksgiving 1949 was the league's answer to the ruling class who want the youth to take the drive to war lying down. The mere participation of more youth in trade union activity can bring about a big change in the life of the trade union movement. This is the job of the Labor Youth League.

This great force of the Labor Youth League can not be underestimated and the potentialities in every area must be recognized by all—and in that light must we examine the work of our party youth and the Labor Youth League in New Jersey. Here we have to start to pay attention to our young shop workers in the league, who, in the past have only done league community work, whose only responsibility in the shops was to attend union meetings like any other worker. We have to effect a plan of work with these people, especially those in right-led shops who have gotten no attention whatsoever up to this time in giving guidance in how they can involve young people in union activities. We have to change the existing situation in our party in New Jersey that recognizes the Labor Youth League as a community organization only, but that the Labor Youth League has got to turn its face to the shops, with the guidance of the Communist Party, the vanguard of the working class.

It has been said before, that comrades should not be transferred out of the league but something else has to be understood, and that is: the important role young people can play in influencing the trade union. The party must have deep concern in seeing that the LYL reorganize the clubs which have been dissolved, strengthen the clubs now in existence to carry out campaigns for peace and democracy.

Mr. Chairman, at this time I would like to call Mr. Lewis Moroze. Will you come forward, please, Mr. Moroze.

Mr. DOYLE. While he is coming up may I say, Mr. Tavenner, I notice that this first exhibit that you read from is in typewriting and appears to be a carbon copy.

Please stand, Mr. Moroze.

Mr. MOROZE. I have a one-sentence motion in relation to the subpena which I would like to read at this time.

Mr. DOYLE. You will be sworn so you will be before the committee.

Mr. MOROZE. I feel impelled to make it now because it affects my status as a witness. I move to quash the subpena served upon me and returnable here on the ground that it does not state with particularity the scope, purpose, and subject matter of the proposed interrogation of myself. I so move.

Mr. DOYLE. If you will raise your hand and be sworn—we will not entertain any motion until you are first sworn.

Mr. MOROZE. I am advised that I should ask you to rule on the motion on the basis of due process of law because once I am sworn in I have lost legal rights.

Mr. DOYLE. We are not a court and we have rules of the committee under which we shall proceed.

Mr. MOROZE. I shall continue under protest.

Mr. DOYLE. You may do that.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOROZE. I do.

Mr. DOYLE. The committee has heard your motion and, of course, it is denied.

TESTIMONY OF LEWIS M. MOROZE, ACCOMPANIED BY COUNSEL, THEODORE SAGER METH

Mr. TAVENNER. State your name, please, sir.

Mr. MOROZE. Lewis M. Moroze. L-e-w-i-s M-o-r-o-z-e.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. METH. Theodore Meth, M-e-t-h, Raymond Commerce Building, Newark, N. J.

Mr. TAVENNER. When and where were you born, Mr. Moroze?

Mr. MOROZE. I was born December 17, 1915, in Albany, N. Y.

Mr. TAVENNER. Where do you now reside?

Mr. MOROZE. I reside at 549 Belmont Avenue, Newark, N. J.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. MOROZE. I went to the elementary and high schools of Albany, N. Y., and I am a graduate of the New York State Teachers College in Albany, N. Y.

Mr. TAVENNER. When did you move to this vicinity?

Mr. MOROZE. Upon my release from the Army.

Mr. TAVENNER. Approximately when was that?

Mr. MOROZE. The end of 1946, October or November.

Mr. TAVENNER. What is your occupation?

Mr. MOROZE. I am a social worker by profession.

Mr. TAVENNER. Will you tell the committee, please, what your employment has been since you came to this area in 1946?

Mr. MOROZE. I was the director of activities of the Jewish Community Center of North Hudson in Union City, N. J.

Mr. TAVENNER. Is that the only employment you have had?

(The witness conferred with his counsel.)

Mr. MOROZE. I am advised by counsel that this is probing in an area beyond the scope of this committee under the first amendment and I invoke my privilege not to be a witness against myself under the fifth amendment.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question relative to his employment.

Mr. DOYLE. We believe it is within the scope of the investigation for a committee of Congress to know the nature of the employment of its citizens and where they have been employed for the purpose of identification. I instruct you to answer the question.

Mr. MOROZE. Mr. Congressman, under normal times——

Mr. DOYLE. I have given you the instructions and do you still refuse to answer in spite of my instructions?

Mr. MOROZE. I did not say I refuse to answer. I will answer the questions in my own way.

Mr. DOYLE. We are not going to give you any opportunity to make speeches. That is a question which can be answered "yes" or "no."

Mr. MOROZE. That is a question in my mind, according to my rights, that cannot be answered "yes" or "no," and if you feel impelled to answer my questions I suggest I be released from my subpoena.

Mr. DOYLE. We are not going to argue with you, Mr. Moroze, and you might as well understand it. We recognize your rights, but we are not going to let you make a public forum of this committee hearing even with your counsel here.

Mr. SCHIERER. Mr. Chairman, you have instructed the witness to answer; he has not answered. I suggest counsel proceed with the next question.

Mr. MOROZE. I answered that question on the basis of the fifth amendment. I must not be a witness against myself.

Mr. TAVENNER. Mr. Moroze, I hand you a photostatic copy of an article appearing in the Daily Worker issue of January 19, 1951, entitled, "Jersey Communist Party Headquarters Raided, Three Arrested," and I direct your attention to the second paragraph from the bottom in the middle column where your name appears. Will you examine it, please? Do you see the paragraph to which I have called your attention?

Mr. MOROZE. Yes, I have seen it, sir.

Mr. TAVENNER. Do you see your name appearing there?

(The witness conferred with his counsel.)

Mr. MOROZE. I see it in this report.

Mr. TAVENNER. Is there a title given or office appearing after your name?

(The witness conferred with his counsel.)

Mr. MOROZE. There is a title there.

Mr. TAVENNER. What is that title as appears from the document?

(The witness conferred with his counsel.)

Mr. MOROZE. Counsel advises me I am not bound by an item in a newspaper, and I therefore invoke my privilege under the first amendment of the Constitution, right of free speech, right of the people for redress of grievances, and under the fifth amendment, my right not to be a witness against myself.

Mr. TAVENNER. You refuse to state what the article shows as the title appearing after your name?

Mr. MOROZE. I answered the question as I saw fit.

Mr. TAVENNER. Mr. Chairman, I desire to introduce the document in evidence and ask that it be marked "Moroze Exhibit No. 1," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. MOROZE. I object to this committee introducing documents and marking them as evidence when they cannot properly be introduced and marked as such without proof and should only be marked, "for identification."

Mr. DOYLE. It will be so received in accordance with request of legal counsel for the committee.

Mr. TAVENNER. I am going to give you full opportunity, Mr. Witness, to state if there is any error whatever in this publication. The articles states, "Bail was posted by Lewis Moroze, New Jersey State secretary of the Civil Rights Congress."

Were you the State secretary of the Civil Rights Congress for New Jersey on January 19, 1951?

Mr. MOROZE. That question is probing in an area beyond the scope of this committee, violating my rights under the first amendment, it is also in violation of the rights of the people under the ninth amendment, which states that enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. I furthermore invoke my rights under the fifth amendment not to be a witness against myself.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question of counsel.

Mr. DOYLE. I so instruct the witness. You raised objection to the authenticity or accuracy of that newspaper article and now you are getting a chance to state whether or not it is accurate after having had it read to you. You raised the subject matter. I instruct you to answer it.

Mr. MOROZE. That is mere rephrasing of the original question and I invoke my rights as stated before.

Mr. TAVENNER. The article further states that bail was posted by Lewis Moroze for Charles Nusser, Esther Engle, and Louis Malinow. Did you post bail for them?

Mr. MOROZE. Since the purpose of that question is to undermine the rights of the people to defend themselves against a tyrannical government, I invoke my rights under the first amendment which calls for right of the people to petition the Government for redress of grievance. I invoke my right under the ninth amendment, tenth amendment, and fifth amendment not to be a witness against myself.

Mr. SCHERER. Witness, we just want to find out about these bail funds for Communists.

Mr. DOYLE. I suggest, Mr. Moroze, as long as you have a looseleaf notebook in front of you with all the typewritten statements of your objections and constitutional provisions, in order to save time, instead of reading those objections each time, you may stipulate that your objections may be considered the same as previously offered.

Mr. MOROZE. I invoke my rights. I feel I have to at each step of the game.

Mr. DOYLE. You can stay here as long as it takes to reread your typewritten objections, if that is what you want to take time to do.

Mr. TAVENNER. Mr. Moroze, will you state whether or not you know the source of funds for bail purposes that were available to the Civil Rights Congress of New Jersey on January 18, 1951?

Mr. MOROZE. I refuse to be a partner to this conspiracy to destroy the rights of the people to defend themselves against the tyrannical government under the first amendment, under the ninth amendment, and under the fifth amendment privilege and the provisions for due process of law.

Mr. SCHERER. Witness, when you say defend themselves against the tyrannical government, you mean the Government of the United States, is that right?

Mr. MOROZE. A government which commits a tyrannical act at any one time.

Mr. SCHERER. You said tyrannical government. Are you referring to the Government of the United States as a tyrannical government?

Mr. DOYLE. He refers to no other government as tyrannical. It is his Government he is designating as tyrannical.

Mr. MOROZE. You can draw your own conclusion. I am referring to specific acts of tyranny.

Mr. SCHERER. Point of order. I have a question before the witness and I insist upon an answer.

Mr. DOYLE. Read it, please.

Mr. SCHERER. I will rephrase it.

When you referred to a tyrannical government, were you or were you not referring to the Government of the United States?

Mr. MOROZE. I was qualifying my remark to an act of tyranny by the government.

Mr. DOYLE. Of the United States?

Mr. MOROZE. Of the United States or any State.

Mr. DOYLE. That is the Commie line they teach, that the United States Government is tyranny. It is well known.

Mr. SCHERER. Where were you born?

Mr. MOROZE. I answered it.

Mr. SCHERER. I don't remember.

Mr. MOROZE. Albany, N. Y.

Mr. SCHERER. Is there any other government in this world that you would like to live under other than the Government of the United States, that might not be as tyrannical?

Mr. MOROZE. I was born in the United States. My loyalty is beyond question and I resent that question. I am an American and I have the rights under the Constitution to fight for redress of grievances and improve the Government as I see it.

Mr. SCHERER. There is no question about that. You have those rights. We all have those rights, but I was just wondering in view of your—

Mr. MOROZE. I refuse to be denied those rights.

Mr. SCHERER. Your statement about the tyrannical government, whether you thought there was any other government in the world that you would like to live under today. Unfortunately, it can't be arranged.

Mr. MOROZE. You can't threaten me, Mr. Congressman.

Mr. TAVENNER. I hand you a throw away sheet entitled "This Is a \$30,000 Leaflet," which shows that it was issued by the Civil Rights Congress in New Jersey. It was introduced in evidence as Nusser Exhibit No. 5. Will you examine it, please.

Mr. MOROZE. I have read it, sir.

Mr. TAVENNER. Have you examined it very carefully?

Mr. MOROZE. Rather carefully. It is difficult to read fast.

Mr. TAVENNER. Do you recognize it as a document which you assisted in the preparation of?

Mr. MOROZE. I would like to say this, Mr. Counsel: This is an invasion of the right of the people to free speech, this is aimed to intimidate the people in bringing their protests to the American people whenever an improper act was committed by any arm of government, and therefore I am impelled again to invoke the first amendment, the ninth amendment, and my privilege under the fifth amendment.

Mr. SCHERER. Witness, do you feel that free speech involves the right to participate in the conspiracy to overthrow this Government by force and violence?

(The witness conferred with his counsel.)

Mr. MOROZE. Mr. Congressman, you are making an assumption there which is—

Mr. SCHERER. I am not making any assumption. It has been proved beyond a question of a doubt that the Communist conspiracy, of which you are a part, is dedicated to the overthrow of this Government.

Mr. MOROZE. I resent this. I have never committed a Federal crime, and I can't say that for members of this committee. One J. Parnell Thomas, was arrested for stealing funds of the people while posing as a patriot.

Mr. SCHERER. Were you ever a member of the Communist Party?

Mr. MOROZE. That is a cute question.

Mr. SCHERER. It is a \$64 question.

Mr. MOROZE. That is what you call it. That is a question aimed to terrorize the American people to prevent them from expressing dissenting opinions.

Mr. SCHERER. We want to know who are the agents of the Kremlin within the United States who are dedicated to overthrow this Government by force and violence. That is what we want to know, and if you are not one of those why don't you so state?

Mr. MOROZE. If you are interested in knowing who wants to overthrow this Government by force and violence you investigate the police who beat up Edward Taylor and investigate the cross burnings in the State of New Jersey. I invoke my privileges under the fifth amendment in relation to that question.

Mr. SCHERER. I thought you would get to that eventually. Are you a member of the Communist Party today, at this moment?

Mr. MOROZE. Under the first amendment, the ninth amendment and tenth amendment, you have no right to probe into the political beliefs of the people and under the fifth amendment I invoke my right not to be a witness against myself.

Mr. SCHERER. Do you mean to say a committee of Congress has no right to investigate a conspiracy dedicated to overthrowing this Government by force and violence, is that what you are trying to say?

Mr. MOROZE. I am saying first this committee is not interested at all in investigating any conspiracy against the Government because this committee is one of the worst conspiracies against the American democratic form of government that has come into existence in years, and I invoke my privileges under the fifth amendment.

Mr. DOYLE. In other words, Mr. Member of the Civil Rights Congress and Communist Party, you are declaring in public again that the United States Congress has set up a conspiracy, that is just what you have said. Of course we well know that is the line you feed as a graduate of a State teachers college, an educational institution giving free education. You are using that education to feed a group of American people a terrible line that the United States Congress has set up a conspiracy because they have set up this committee. You ought to be ashamed of yourself, a graduate of a teachers' college feeding American citizens that bunk.

Mr. MOROZE. I am not ashamed of myself. I am proud of the role I have played.

Mr. SCHERER. I can see you are. You ought to be ashamed of yourself.

Mr. TAVENNER. The document, Nusser Exhibit No. 5 which I presented to you contains in the left-hand margin in a setoff by black lines an article entitled, "Life or Death, It Is Your Choice," issued by the Communist Party of New Jersey.

It is noted that the last three lines of that article are as follows:

Mediate the Korean war, get all outside troops out, remove MacArthur, bring our boys home, no dropping the A bomb.

With whom did you confer, if anyone, within the Communist Party in Newark, regarding the publication or the republication of that Communist Party article?

Mr. MOROZE. That question again is aimed to intimidate the people to prevent them from expressing their opinions and I will not be a partner to the destruction of the constitutional rights of the people under the 1st amendment, the 9th, 10th and my privileges under the 5th. I am impelled to use my privilege.

Mr. SCHERER. And not be a party to the destruction of the Constitution until the time comes to move in and take over.

Mr. MOROZE. I will never be a partner to the destruction of the Constitution and that is why I am conducting myself in this fashion, toward this committee.

Mr. TAVENNER. Did you take any part in having Nusser Exhibit No. 5 printed?

Mr. MOROZE. That is merely a rephrasing of the same question. That question tears to shreds the legal facade of due process at this hearing, and it is merely a rewording to entrap me, and I therefore must invoke my privilege under the 5th amendment under the 1st on free press, I am impelled to mention the 1st and 5th amendments.

Mr. DOYLE. I want to remind the witness, as long as you have charged the United States Congress with setting up a conspiracy, that this committee is here under Public Law 601, which charges us as a whole, or by subcommittee to make an investigation into the extent and character and objectives of any subversive program, the extent thereof, whether it emanates from foreign country or from this country. We are here under established Public Law 601 which was enacted by the United States Congress, which I assume is your Congress, although you call it a conspiracy.

Mr. MOROZE. I never referred to this Congress as a conspiracy. I referred to this committee as a conspiracy.

Mr. DOYLE. This committee is an arm of the United States Congress, one of the standing committees.

Mr. MOROZE. It is an illegitimate arm of the Congress.

Mr. DOYLE. That is the same as saying the Congress has set up an illegitimate committee.

Mr. MOROZE. I sure think so.

Mr. DOYLE. I know you do and that is what you preach over the country. You should be ashamed of yourself, and I don't hesitate to say it. Some men died in the last war in order that men like you might have your freedom.

Mr. MOROZE. I served in the last war. And my loyalty is not here in question and I associate myself with the concept of Henry Thoraus that they love law and order who uphold law when the government breaks it.

Mr. DOYLE. You read that from your notebook. I question your loyalty and I am frank to say so in public.

Mr. SCHERER. You say you served in the last war. Were you a member of the Communist Party at the time you served in the last war?

Mr. MOROZE. Mr. Congressman, I think you ought to make a record of that question. I am invoking my privileges under the 1st, 9th, 10th and 5th amendments.

Mr. SCHERER. Are you refusing to tell us whether at the time you were a member of the Armed Forces of the United States you were a member of the Communist Party?

Mr. MOROZE. I am not refusing to tell you. I am invoking my privileges as I see them under the Constitution.

Mr. SCHERER. You were particularly willing to serve in the last war because we were a cobelligerent with Russia, were you not?

Mr. MOROZE. I was particularly concerned about serving in the last war because we were to smash fascism, and I am conducting myself today in line with the same type of thinking to stomp the onrush of fascism in the United States.

Mr. DOYLE. I am going to instruct the witness to answer the question whether or not he was a member of the Communist Party while he was in the uniform of the United States military.

I think that not only Congress but some high court might be interested in making a ruling on whether or not he is in contempt for not answering that question.

Mr. MOROZE. I invoke my privileges under the fifth amendment.

Mr. DOYLE. You were probably one of those men who was preaching conspiracy against the United States Government while you were in the uniform of the United States Military.

Mr. MOROZE. In the United States Army I was given the responsibility of teaching reorientation courses because of my devotion to democracy and opposition to fascism.

Mr. DOYLE. You were a social worker according to your own testimony, but you were preaching communism, you have made that clear. Subversive conspiracy.

Mr. MOROZE. Your interpretation of communism is antifascism.

Mr. DOYLE. This committee is interested in exposing Fascists the same as your type.

Mr. MOROZE. You haven't exposed one Fascist in the United States because you live with them. You work for them, you are promoting their aims.

Mr. DOYLE. That is right. I live with Members in the United States Congress.

Mr. MOROZE. Don't implicate every other Member of Congress.

Mr. TAVENNER. Mr. Moroze, are you acquainted with Louis Shapiro?

Mr. MOROZE. This is probing in the area of my associations and as a free American citizen I am impelled to use the first amendment and my privileges under the fifth amendment.

Mr. TAVENNER. Are you acquainted with Jacob Ames, also known as Jack Ames?

Mr. MOROZE. Same answer, same reasons.

Mr. TAVENNER. As a matter of fact, did you not on the 13th day of January 1951 make arrangements with Mr. Louis Shapiro for the publication of Nusser Exhibit 5 which you have before you?

Mr. MOROZE. Again I resent this interference with the freedom of the press and right of the people for redress of grievances under the 1st amendment, privileges of the people under the 9th amendment, the 10th amendment and my privilege under the 5th amendment.

Mr. TAVENNER. Mr. Chairman, I would like to interrupt this witness' testimony at this time and call another witness.

Mr. DOYLE. Very well. We will ask the cooperation of the counsel and the witness and put another witness in the chair for a few minutes. (Whereupon the witness was temporarily excused.)

Mr. TAVENNER. Mr. Louis Shapiro, will you come forward, please?

Mr. DOYLE. Mr. Shapiro, will you please stand and raise your right hand? Do you—

Mr. GREENBURG. Might I be permitted to address the committee on a point of order before the witness is sworn?

Mr. DOYLE. The rules require that a written notice be filed with us because we find we do not have time to permit lawyers to argue before the committee.

Mr. GREENBURG. This is merely a point of order under the committee's own rules. Mr. Chairman.

Mr. DOYLE. State it briefly.

Mr. GREENBURG. Under rule 3 (b) of the Rules of Procedure of this committee that "witnesses shall be subpoenaed at a reasonably sufficient time in advance of any hearing to prepare for the hearing and to obtain counsel." I would like to bring to the chairman's attention that this subpoena under which my client appears was issued yesterday morning for an appearance at the hour of 2 p. m. the same day.

Mr. DOYLE. Of course counsel, in the due process of our committee I assume that we didn't discover this witness' importance to this hearing until about that time; while we regret his inconvenience, we found it was impossible to subpoena him in advance because we didn't have his name in advance, you see. You are a distinguished lawyer at the bar and you know even in court procedure very often subpoenas are served almost immediately. I think that is sufficient.

I think that we will overrule your objection because we have no other way practicable.

Mr. GREENBURG. I merely want to note it for the record.

Mr. SCHERER. Did you say you are not prepared to represent him today?

Mr. GREENBURG. My objection is that under rule 3 (b) he was not sufficiently notified yesterday for appearance the same day. As it so happens, we weren't reached yesterday.

Mr. SCHERER. Did you have time overnight to consult him? Do you understand the questions that are going to be asked him?

Mr. GREENBURG. I have since been informed they will be of limited nature.

Mr. SCHERER. Your client will not be prejudiced by the asking of those questions?

Mr. GREENBURG. That will have to wait until—

Mr. SCHERER. Do you understand the questions?

Mr. GREENBURG. I understand the general nature of what the interrogation is.

Mr. SCHERER. It wouldn't require you any additional time.

Mr. GREENBURG. I am not requesting that at this time. I am merely noting that the subpoena at the time issued yesterday was improperly issued under your own rules.

Mr. SCHERER. When subpoenas are issued like that and it can be demonstrated to the committee that a witness will be prejudiced, continuances are granted.

Now if you want a continuance until Thursday—but you indicate that you are prepared to go forward. He has counsel, and you understand the questions that are going to be asked your witness, you understand the purpose for which he is here. I don't think you are prejudiced, and I think Mr. Doyle's ruling is proper.

Mr. GREENBURG. Rather than inconvenience my client further, we would choose to go ahead now.

Mr. TAVENNER. For the benefit of the record, I should state that the marshal was instructed to notify this witness why he was wanted at the time he was served. I assume that notice was given to him although I haven't checked on it. When counsel appeared here yesterday, we told him why we wanted to call this witness.

Mr. GREENBURG. That was the first we had heard of it, Mr. Counsel. The marshal evidently did not inform him as to just what he was wanted for.

Mr. DOYLE. We are glad that the counsel and witness are not too much inconvenienced and that you are ready to proceed.

Mr. DOYLE. Will you please stand now, and raise your right hand? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHAPIRO. I do.

TESTIMONY OF LOUIS SHAPIRO, ACCOMPANIED BY COUNSEL, PAUL H. GREENBURG

Mr. TAVENNER. Will you state your name, please, sir?

Mr. SHAPIRO. Louis Shapiro.

Mr. TAVENNER. How do you spell your name?

Mr. SHAPIRO. L-o-u-i-s S-h-a-p-i-r-o.

Mr. TAVENNER. It is noted you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. GREENBURG. Paul H. Greenburg, 60 Park Place, Newark, N. J.

Mr. TAVENNER. When and where were you born?

Mr. SHAPIRO. Russia.

Mr. TAVENNER. When did you come to this country?

Mr. SHAPIRO. July 24, 1912.

Mr. TAVENNER. You did not state your age or time of your birth.

Mr. SHAPIRO. I was born December 28, 1899.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. SHAPIRO. Yes, sir.

Mr. TAVENNER. In what business are you engaged?

Mr. SHAPIRO. Printing.

Mr. TAVENNER. In the city of Newark?

Mr. SHAPIRO. Yes. Job printing.

Mr. TAVENNER. Are you acquainted with Mr. Lewis Moroze?

(The witness conferred with his counsel.)

Mr. SHAPIRO. Yes, I have done some printing work for him.

Mr. TAVENNER. Do you recall an officer of the police department coming to see you on January 31, 1951, regarding the printing of the document on the table in front of you, Nusser exhibit No. 5?

(The witness conferred with his counsel.)

Mr. SHAPIRO. I do recall, but the only thing I assume I was called into the police department—

Mr. TAVENNER. You were called into the police department instead of the police department going to you?

Mr. SHAPIRO. Right.

Mr. TAVENNER. I have before me a sworn statement purportedly signed by you bearing date of January 31, 1951. Will you examine it, please, and state whether or not that is a sworn statement over your signature, which you gave the police department in regard to the printing of that document?

(The witness conferred with his counsel.)

Mr. SHAPIRO. Yes. It is my signature.

Mr. TAVENNER. I desire to introduce the document into evidence and ask that it be marked, "Shapiro Exhibit No. 1."

Mr. DOYLE. So received and so marked.

Mr. TAVENNER. I desire to read the document into the record and ask the witness to listen to its reading:

Voluntary statement of Louis Shapiro, residence 429 Leslie Street, Newark, N. J., occupation typesetter, age 51, statement made to detectives Harry Barron and Jim Stapleton, 10:30 a. m. at Police Headquarters in the subversive squads room on the first floor.

"I, Louis Shapiro, have a printing establishment at 84 13th Avenue. I have been located at this address about 14 months. Our main business is commercial and job printing. I have a partner in the business. His name is Jacob Ames and he lives at 288 Kerrigan Boulevard in Newark. On November 30, 1950 a man came to my store and said that he represented the Communist Party of New Jersey, and he said to me 'I want you to print for me 12,000 leaflets, the cheapest kind I can get.'

"I don't remember his name exactly, but I do remember him saying that he was from 38 Park Place, Newark. One of these leaflets were shown to me by Detective Barron and I will identify it when called to do so.

"This man paid me in cash when the job was completed, about 10 days later. The amount of the bill was \$51. I might be able to identify this man who gave me this order if I saw him again.

"On January 13, 1951, a man came into my store and told me that his name was Moroze and he was the executive secretary of the Civil Rights Congress at 188 Belmont Avenue, Newark, N. J. He asked me to print for him 10,000 leaflets on newsprint paper and he would pay when the job was completed. This leaflet was also shown to me by Detective Barron and I will identify it when called to do so.

"About a week after receiving this order Moroze came into the store and paid me for it, the amount paid was \$77.25 in cash. I had no idea when I printed these leaflets that they were in any way illegal because if I had I would not have printed them.

"I read a copy of both leaflets before printing them and I did not consider that in printing them I was doing anything illegal.

"I, Louis Shapiro, have given this statement voluntarily and everything contained in this statement is the truth as far as I can recall."

That was a truthful statement that you gave the police officers, was it not?

(The witness conferred with his counsel.)

Mr. SHAPIRO. I claim my privilege under the fifth amendment not to answer.

Mr. TAVENNER. Not to answer whether this statement which you admitted as over your signature was truthful?

(The witness conferred with his counsel.)

Mr. SHAPIRO. Same answer, same grounds.

Mr. SCHERER. Who has talked to you about this statement since you gave it to the police?

Mr. SHAPIRO. No one talked to me.

(The witness conferred with his counsel.)

Mr. SHAPIRO. Except for my attorney.

Mr. SCHERER. Was that statement given under oath?

Mr. TAVENNER. Yes, sir. [Reading:]

Subscribed and sworn to before me this 31st day of January 1951, George E. Kinney, Jr., notary public, New Jersey. My commission expires December 30, 1955.

Mr. SCHERER. Did you swear to that statement, Witness?

(The witness conferred with his counsel)

Mr. SHAPIRO. I claim my privilege under the fifth amendment not to answer this question.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer whether he swore to that statement.

Mr. DOYLE. I direct the witness to answer the question.

Mr. SHAPIRO. I claim my privilege under the same grounds.

Mr. SCHERER. To refresh my recollection, Mr. Tavenner, didn't the witness identify that as his signature?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. I think he is bound to answer the question. You have directed him, have you not?

Mr. DOYLE. Yes, I direct the witness to answer the question.

(The witness conferred with his counsel.)

Mr. SCHERER. I think the witness is definitely in contempt if he refuses to answer that question.

(The witness conferred with his counsel.)

Mr. SHAPIRO. In view of the fact that I refused to answer any of the text of the statement mentioned, I also take my privilege under the fifth amendment to answer it.

Mr. SCHERER. Do you mean to tell us, Witness, that it would incriminate you at this time to say whether or not you swore to that affidavit or to the contents of that paper?

(The witness conferred with his counsel.)

Mr. SCHERER. Are you telling us now that you didn't tell the truth when you signed that affidavit?

(The witness conferred with his counsel.)

Mr. SHAPIRO. I am refusing to answer that, Congressman, respectfully, on the ground of the fifth amendment—

(The witness conferred with his counsel.)

Mr. SHAPIRO. The fifth amendment was intended to protect the innocent more so than the guilty.

Mr. SCHERER. What other conclusion can we draw, when you plead the fifth amendment, saying that to answer whether or not you told the truth when you gave the statement to the police would incriminate you? We can only draw one conclusion then, can't we? If it will incriminate you to say whether or not you told the truth previously under oath, it can lead only to one conclusion, that you are afraid of committing perjury.

(The witness conferred with his counsel.)

Mr. SHAPIRO. I object to any such inference or conclusion.

Mr. SCHERER. You have a right to object to that inference, but I am asking whether or not any reasonable individual could come to any other conclusion.

(The witness conferred with his counsel.)

Mr. SHAPIRO. I don't know what you are trying to prove to me, but I stand on my constitutional right of the fifth amendment not to answer.

Mr. SCHERER. I am not trying to prove anything. I am just flabbergasted at the position you take.

Mr. TAVENNER. Mr. Chairman, I advised counsel for this witness that I was only going to interrogate his witness about this matter. Of course, I am taken very much by surprise that the witness admits going to the police about the matter, admits the signature, and then takes the fifth amendment, because I feel that he certainly has waived any fifth amendment rights he might otherwise have had. But in light of what I said to counsel about it, I think I should not ask any further questions at this time, but I request that the witness be excused temporarily and kept under subpoena, and be brought back here on Thursday.

Mr. DOYLE. At what hour?

Mr. TAVENNER. Two o'clock in the afternoon.

Mr. DOYLE. Is that agreeable, Counsel?

Mr. GREENBURG. I will have to check my schedule. I think I have another court appearance scheduled that day. May I have the right to check my schedule and see if I can rearrange any other court appearance I may have scheduled.

Mr. DOYLE. Yes, and in the meantime we will excuse the witness from the chair while you are phoning, but he will remain under subpoena and you are directed to return here Thursday morning at 9:30 unless we have some other agreement with you.

Mr. SCHERER. May I make this suggestion: If counsel is engaged on Wednesday and Thursday, tomorrow morning or afternoon is all right with us.

Mr. GREENBURG. That might be better, Mr. Chairman.

Mr. SCHERER. Before we go ahead, this other witness is still here. May I ask one question?

Mr. DOYLE. Mr. Shapiro. Without objection, the witness can stay right there.

Mr. SCHERER. Has anybody threatened you?

Mr. SHAPIRO. No, sir.

Mr. SCHERER. Have you been intimidated in any way?

Mr. SHAPIRO. No, sir.

Mr. SCHERER. You haven't had any delegation from the Communist Party come to your shop, have you?

(The witness conferred with his counsel.)

Mr. SCHERER. Have they picketed your shop?

Mr. SHAPIRO. No, sir.

Mr. SCHERER. That is all.

(Whereupon the witness was temporarily excused.)

TESTIMONY OF LEWIS M. MOROZE, ACCOMPANIED BY COUNSEL, THEODORE SAGER METH—Resumed

Mr. TAVENNER. In the sworn statement, Mr. Moroze, introduced in evidence as Shapiro Exhibit No. 1, reference was made to Mr. Jacob Ames, the partner of Mr. Lewis Shapiro. Do you know whether Mr. Jacob Ames was a member of the Communist Party?

Mr. MOROZE. First I would like to state that bringing in a printer here is a despicable act, tyrannical act, of this committee.

Mr. DOYLE. We are not going to permit that sort of tirade. Will you answer the question? Stand on your constitutional rights if that is what you feel you conscientiously can do.

Mr. MOROZE. I conscientiously must say this committee has no right to probe into my associations under the first amendment, and I invoke my privileges under the fifth amendment.

Mr. DOYLE. That is your privilege when you can honestly do it.

Mr. TAVENNER. Mr. Moroze, was the composition of the material issued by the Communist Party and which was included in Nusser Exhibit 5 issued by the Civil Rights Congress and the printing of that document, part of a preconceived plan between the Civil Rights Congress and the Communist Party to engage in propaganda activities in this community?

Mr. MOROZE. I only know one preconceived plan and that is to deny the rights of the people to petition for redress of grievances. That question is merely aimed to intimidate and destroy free press. Under the first amendment I am impelled to invoke those rights and under the fifth, my privileges.

Mr. SCHERER. People certainly have a right to protest. What happened in front of the Treat Hotel last night was giving the people a right to protest. That could only happen in America.

Mr. MOROZE. Let's make sure everyone is permitted the right to petition for redress of grievances.

Mr. SCHERER. They were given that right. It is unfortunate that most of them didn't understand the substance on the placards they were carrying.

Mr. MOROZE. I wouldn't be so arrogant of the American people in relation to them. I have deepest confidence and love and respect for the American people and they know how to invoke their rights.

Mr. SCHERER. It is intellectuals like you who are the few that control and dominate groups such as that.

Mr. MOROZE. The American people control their leaders, that is the way democracy works, and our strength is derived from the people.

Mr. SCHERER. That is the way democracy works but not the way the Communist conspiracy works, which is in the opposite direction.

Mr. MOROZE. I am speaking in the best interests of the American people.

Mr. TAVENNER. I hand you a document and ask you if you can identify it.

(The witness consulted with his counsel.)

Mr. MOROZE. I am impelled to answer that under the first amendment and my privileges under the fifth amendment I will make no comment.

Mr. DOYLE. I wish to remark this: As I see it, you are not impelled to do anything. It is your privilege to plead the constitutional amendments if you conscientiously can do so, but I dislike having you say you are impelled to do it. You are privileged to do it.

Mr. MOROZE. I am impelled by this committee to defend myself because you are trying desperately to entrap me. And I am going to fight for my constitutional rights.

Mr. DOYLE. We expect you to plead constitutional privilege only when you can honestly do it.

Mr. MOROZE. My history indicates I am a conscientious defender of the Constitution and I can't say that for this committee.

Mr. TAVENNER. Mr. Chairman, I desire to introduce this document entitled "To Be Filed at Least 40 Days Previous to the Day of Holding Primary Elections" in evidence, ask that it be marked "Moroze Exhibit No. 2" for identification purposes only and to be made a part of the committee files.

Mr. DOYLE. So received and so marked.

Mr. MOROZE. I object to introducing that into evidence. It has never been proven.

Mr. MOROZE. I am shocked that a primary election document would be entered, stepping on the rights of the people.

Mr. DOYLE. You have not been asked a question.

Mr. MOROZE. The Constitution is being defiled by talking about this document. Right of the people to elect their own representatives according to the American Constitution.

Mr. DOYLE. I am going to strike certain things from the record if you act impertinently and make immaterial statements.

Mr. MOROZE. This is a hearing, not a trial, and I want to be heard.

Mr. DOYLE. We are used to your game to take a record so you can get a copy of it and produce it to people that don't understand the issues.

Mr. MOROZE. If you want to release me from the subpoena, I will accept.

Mr. TAVENNER. The document relates to the designation of the People's Rights Party. Quoting from the document:

We further certify that the name, place of residence, post office address, and the title of office for which said candidate is named is as follows:

The name of the candidate is Charles Nusser and title of the office is member of State assembly.

This is a nominating petition, Mr. Chairman, for the election of Charles Nusser by party designation of People's Rights Party. The People's Rights Party was designated by the Attorney General of the United States on April 5, 1955, as a Communist organization. I would like to ask this witness to examine page 2 containing the signatures to this petition, and to tell the committee whose name appears as item 4.

Mr. MOROZE. I would like to say, Mr. Tavenner, that under our form of government the rights and sovereignty is based essentially in the American people.

Mr. TAVENNER. Mr. Chairman, the witness' remarks are not responsive to the question. If he has a legal objection, I think he should make it, and then it can be determined whether or not any explanation is proper.

Mr. MOROZE. Under the 10th amendment, powers not delegated to the United States by the Constitution or prohibited to it by the States are reserved to the States respectively, or to the people.

Under the ninth amendment, enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. This Government is based on free elections. I also invoke my privileges under the fifth amendment. This is aimed

to intimidate people so they might not run for office those whom they choose.

Mr. TAVENNER. The witness has not identified his signature. He has refused to answer. So I desire now to read item 4 of the statement.

Mr. DOYLE. It all shows the extent to which the Communist conspiracy is infiltrating our elections and otherwise and the control they have.

Mr. MOROZE. Conspiracy to elect people to office? It is a weird interpretation. People control the elections.

Mr. SCHERER. There is no direction on the part of the Chair at this point to the witness to answer Mr. Tavenner's question. This is obviously a photostatic copy of a public document and his refusal to answer in my opinion—

Mr. MOROZE. I did not refuse to answer. I don't like the characterization that I refused to answer.

Mr. SCHERER. As I was saying, in my opinion his refusal to identify his signature could not possibly incriminate him, and therefore I am asking that the Chair direct the witness to answer the question as to whether or not that is his signature.

Mr. DOYLE. I so direct you, Witness.

Mr. MOROZE. Since I will not be a partner to destroy free elections in the United States, I invoke my privileges under the fifth amendment.

Mr. TAVENNER. What was your address in March of 1955?

Mr. MOROZE. March 1955. 549 Belmont Avenue, Newark.

Mr. TAVENNER. I desire to read item 4 of the signatures to this document.

Lewis M. Moroze, 549 Belmont Avenue, Newark, N. J.

Were you acquainted with the fact that Charles Nusser on March 5, 1955, was a functionary of the Communist Party in Newark, N. J.?

Mr. MOROZE. I invoke my privileges under the fifth amendment.

Mr. TAVENNER. Were you aware in April 1955 that the People's Rights Party had been designated as a Communist organization by the Attorney General of the United States?

Mr. MOROZE. I protest the Attorney General being the arbiter of what is legal and what is not legal, and what is constitutional and not constitutional, and I further invoke my privileges under the fifth amendment.

Mr. TAVENNER. Was the designation of the People's Rights Party merely a substitution for the Communist Party as a name?

Mr. MOROZE. I invoke my privileges under the fifth amendment.

Mr. TAVENNER. Wasn't that a subterfuge, that actually you were signing a petition for a Communist Party candidate to an elective office under a name different from the Communist Party, but actually a part of it?

(The witness conferred with his counsel.)

Mr. MOROZE. This question is a subterfuge to deny the people the right to elect officers of their own choosing, and I invoke my privileges under the fifth amendment.

Mr. TAVENNER. I hand you another document and ask you to identify it. Will you tell us what it is?

(The witness conferred with his counsel.)

Mr. MOROZE. Under the first amendment, right of the people to associate, assemble, petition for redress of grievances and under my

privileges, I am impelled to invoke my privilege under the fifth amendment.

Mr. TAVENNER. Is your name signed to it as assistant treasurer?

Mr. MOROZE. Same answer for the same reasons.

Mr. TAVENNER. Mr. Chairman, I desire to introduce the document in evidence and ask that it be marked "Moroze Exhibit No. 3", for identification purposes only, and to be made a part of the committee files.

Mr. MOROZE. I object on the ground that it has not been proven and it is a photostatic copy.

Mr. DOYLE. It is so ordered.

Mr. TAVENNER. It is entitled, "Bail Fund of the Civil Rights Congress of New Jersey, Certificate of Deposit." I desire to read portions of it in evidence.

Receipt is hereby acknowledged this (blank) day of October 1949 of the sum of \$100 from Bearer, by the Board of Trustees of the Bail Fund of the Civil Rights Congress of New Jersey for the use and purpose of said bail fund upon the following terms and conditions:

1. Said money shall be employed only for the purpose of posting bail for defendants in cases involving violation of civil rights, and the trustees of the bail fund shall have sole authority under the regulations and resolutions adopted by the board of trustees to determine for whom bail shall be posted.

2. Said moneys shall be repaid to the lender without interest upon 30 days notice in writing, providing, however, that repayment of loans shall not be made in such manner as to imperil the safety of any individual for whom such moneys might have been posted as bail, and the trustees shall have sole authority to determine whether such peril exists and, provided, further, that 30 days notice may be waived by the trustees, to permit immediate return of any loan.

3. That the depositor shall at the time he applies for the return of the moneys loaned by him to the state board of trustees, accompany his application with this certificate of deposit, and that no money shall be returned except upon surrender of this certificate of deposit.

It is signed David Rocklin, treasurer. Lewis Moroze, assistant treasurer.

Will you tell the committee, please, when the first certificate of deposit was issued under this plan to raise bail funds as indicated by this type of certificate?

Mr. MOROZE. I invoke my privilege under the fifth amendment.

Mr. TAVENNER. Will you tell the committee, please, whether the proceeds of any of these certificates of deposit were used for bail purposes outside of the State of New Jersey?

Mr. MOROZE. I invoke my privilege under the fifth amendment.

Mr. SCHERER. Is it not a fact that they were so used?

Mr. MOROZE. I invoke my privileges under the fifth amendment.

Mr. SCHERER. Isn't it a fact that all of the funds raised for this particular bail fund were used in, and for, and on behalf of the members of the Communist Party and the Communist Party itself?

Mr. MOROZE. I must respectfully submit that what you take as a fact is at variance with what I consider fact.

Mr. SCHERER. If what I said is true, you have an opportunity to deny it.

Mr. MOROZE. The purpose is this, when attacking people to deny them their right to fight back and I invoke my privileges under the fifth amendment.

Mr. SCHERER. You attack my assumption, what I said. Is there anything false in the assumption I made?

Mr. MOROZE. I invoke my privilege under the fifth amendment.

Mr. SCHERER. You have an opportunity to deny what I suggest as true or false. You don't see fit to deny it.

Mr. MOROZE. I am not impelled to state whether I am not a criminal. That is why we have a United States Constitution and why we have the 10th amendment, and the 10th amendment had to be fought for by the people, leaflets had to be distributed in order to guarantee that the 10th amendment in the United States Constitution and there is no implication of guilt in anything I have said, and I am not impelled to answer questions the way you want them. I will answer them as I see fit, and I invoke my privileges under the fifth amendment.

Mr. SCHERER. You are not a criminal, you are not charged with anything before this committee.

Mr. MOROZE. This body is more an accusatory body than a hearing.

Mr. SCHERER. You can't be sentenced for anything as a result of your appearance here. You are not accused of anything. You are brought here only as a witness. You couldn't possibly be sentenced or fined as the result of your appearance here. The only trouble you might get into if you refuse to answer questions that are proper, is that the committee could cite you for contempt. You said what I inferred by my question was not right, you said it was an assumption on my part. My sole question is, is that assumption correct or incorrect?

Mr. MOROZE. May I state that if this committee were to carry out its true functions, it would investigate and not make speeches to the people and tell them what is the truth, but to determine the truth, and I further want to invoke my privileges under the fifth amendment.

Mr. SCHERER. You are making speeches, and you could enlighten us if you would answer the questions, but on every significant question you have refused to answer and invoked the fifth amendment.

Mr. MOROZE. I have had to fight for it.

Mr. SCHERER. You have the right to tell the public and these friends of yours here whether the information Mr. Tavenner has is true or false. You have your opportunity.

Mr. MOROZE. It is crystal clear, Mr. Congressman, that the purpose of most of these questions is not to investigate but to open a trap for witnesses who are fighting for the Constitution, and the trap was created by this committee in its ill-begotten repressive legislation, and I will not be entrapped, and I invoke my privileges under the Constitution.

Mr. SCHERER. Somebody asked what is the purpose of this evidence that Mr. Tavenner has been trying to develop in the last few days. There are contributors to the Civil Rights Congress who feel that they are contributing to something other than what they think they are contributing to. It will be made crystal clear that when people contribute to the Civil Rights Congress, they are contributing to the Communist Party. People have a perfect right to contribute to the Civil Rights Congress, but there has been misrepresentation and there are many contributors to that organization who don't understand that the Civil Rights Congress and the Communist Party are practically synonymous. The evidence here today is developing that fact, and I think if people know the facts, they won't be duped into contributing to a conspiracy dedicated to the overthrow of this Government by force and violence, contributing to the bail fund of traitors, spies, and Communist agents within our Government.

Mr. MOROZE. I resent that remark. You know as a lawyer that if there is any evidence of malfeasance on anyone's part—

Mr. SCHERER. I didn't accuse you.

Mr. MOROZE. There is a grand jury system, a trial system. Let's act according to due process.

Mr. SCHERER. Many of these people have been indicted and convicted and are now serving a sentence. Bail was furnished by the Civil Rights Congress from these very same funds.

Mr. TAVENNER. Will you tell the committee, please, the total amount of funds raised by use of certificates of deposit in New Jersey?

Mr. MOROZE. These questions go on ad infinitum and the Constitution is still a basic document with the American people, and I invoke my privilege not to be a witness against myself.

Mr. SCHERER. Don't you believe, Witness, if you are so interested in the Constitution, that the American people have a right to know what funds they are contributing to and not have the cause to which they contribute misrepresented to them?

Do you not think they have a right to understand what the funds are being used for?

If they understand and know full well, then that is their business. But it is perfectly obvious from the evidence that I have heard, not only here but in other places, that there are people who have been duped into contributions because of the name "Civil Rights," who didn't understand and who don't understand that the funds have been used in behalf of the Communist conspiracy in this country. If they understand it and still contribute, they have that right, and I am the last individual to interfere with that right.

Mr. MOROZE. Make sure you don't.

Mr. TAVENNER. Mr. Moroze, there has been no prosecution of a Smith Act case in the State of New Jersey. But do you know whether or not any funds of the Civil Rights Congress of New Jersey have been used for bail purposes for the Smith Act defendants?

Mr. MOROZE. I invoke my privilege under the fifth amendment.

Mr. TAVENNER. Is there any instance in the State of New Jersey or elsewhere to your knowledge where funds of the Civil Rights Congress of New Jersey have been used for bail purposes where the defendants involved were not members of the Communist Party, or where the Communist Party was not responsible for the Civil Rights Congress affording relief by furnishing of bail?

Mr. MOROZE. I invoke my privileges under the fifth amendment.

Mr. SCHERER. I have another observation. I don't believe that the rank and file of the union membership when solicited for funds for the Civil Rights Congress would voluntarily contribute to the fund if they knew its primary objective was to support the Communist conspiracy in this country.

We have had evidence that solicitations have been made readily from people in the factories who can't afford it, who don't understand where their money is going, evidenced by the fact that the testimony of the first witness the other day, who was the treasurer, signed the checks without knowing where the money was going.

Mr. TAVENNER. Will you tell the committee, please, whether or not you as assistant treasurer of the Civil Rights Congress received any

funds for and in behalf of the Civil Rights Congress of New Jersey contributed by United Electrical Radio & Machine Workers of America, or any of its branches?

Mr. MOROZE. This invades the right of the people to associate, petition for redress of grievance under the first amendment. It is an improper invasion of the people's rights under the ninth amendment, and it is further invasion of my right under the fifth, and I invoke the privilege.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. I notice on this certificate of deposit which has been introduced in the record, apparently signed by David Rocklin and Lewis Moroze, the witness before us, that under point 1 the trustees have the sole authority to determine for whom bail shall be posted, and there is no restriction on the subject of whether or not bail shall be posted outside of, or for cases or defendants outside of the State of New Jersey.

As far as this certificate of deposit is concerned, the trustees had unlimited authority to post bail any place they wanted in the country or outside of the country if they so wanted.

Is there any other question, Mr. Scherer?

Mr. SCHERER. I have no further questions.

Mr. MOROZE. Mr. Chairman, I noticed you asked other witnesses what proposals they have in order to do away with subversion in the United States. I would like to be asked that question.

Mr. TAVENNER. Mr. Chairman, may I make a suggestion?

Mr. DOYLE. Yes.

Mr. TAVENNER. I think any witness who has refused to answer questions before this committee should not be entitled to make a speech unless he is going to give us information he is requested to give.

Mr. DOYLE. I think apparently the witness has taken every occasion he could to make a speech and criticize the committee and its procedure, and criticize the United States Congress, and he has even made the charge that the United States Government is a tyranny. That is the way I heard the testimony. I hope the time will come before you are many hours older, Moroze, that you have a change of heart about your Government, about your Nation that gave you birth, and about the purposes for which you are using free education as a graduate of a teacher's college.

Mr. MOROZE. I love this Government and the American people.

Mr. DOYLE. You love it enough to call it a tyranny.

Mr. MOROZE. The committee's tyrannical acts.

Mr. DOYLE. People don't call my Government a tyranny if they love it. It is when they despise it and hate it.

Mr. MOROZE. We tend to criticize sharply those we love the most.

Mr. DOYLE. You don't call those you love the most a tyranny. I am ashamed of you, as I said before. You are excused.

(Whereupon the witness was excused.)

We will recess for 5 minutes.

(Brief recess.)

Mr. DOYLE. The committee will please come to order.

Let the record show that both members of the subcommittee, Mr. Scherer and Mr. Doyle, are present.

Is counsel ready to proceed?

Mr. TAVENNER. Mr. James McLeish.

Mr. DOYLE. Before I ask Mr. McLeish to be sworn, have you a report, counsel?

Mr. GREENBURG. Tomorrow afternoon would be the most convenient for myself and my client, if that is all right with the committee.

Mr. DOYLE. Is Mr. Shapiro your client?

Mr. GREENBURG. Yes.

Mr. TAVENNER. Perhaps we should advise him later about that, Mr. Chairman. It may be we will not be ready by tomorrow afternoon. Give us your address and we will get in touch with you and keep you advised.

Mr. DOYLE. Mr. McLeish, will you please rise and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McLEISH. I do.

Mr. DOYLE. Be seated, please.

Proceed, Mr. Counsel.

TESTIMONY OF JAMES B. McLEISH, SR., ACCOMPANIED BY COUNSEL, MORTON STAVIS

Mr. TAVENNER. State your name, please.

Mr. McLEISH. My name is James B. McLeish, Sr.

Mr. TAVENNER. It is noted you are accompanied by counsel. Would counsel please identify himself for the record.

Mr. STAVIS. Morton Stavis, 744 Broad Street, Newark.

Mr. TAVENNER. When and where were you born, Mr. McLeish?

Mr. McLEISH. I was born in a small county called Lochee, County of Angus, Scotland, December 9, 1899.

Mr. TAVENNER. Spell the name, please.

Mr. McLEISH. Lochee.

Mr. TAVENNER. When did you first come to this country?

Mr. McLEISH. I came to this country in March 1925.

Mr. TAVENNER. Have you lived here constantly since that time?

Mr. McLEISH. With the exception of two trips I had.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. McLEISH. I am.

Mr. TAVENNER. When and where were you naturalized?

Mr. McLEISH. Naturalized in Newark February 23, 1933.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. McLEISH. I attended public school in Lochee, I attended the Harris Academy in Dublin and I attended the engineering courses at the Evening School at the Dundee Technical College and School of Art.

Mr. TAVENNER. What is your present occupation?

Mr. McLEISH. My present occupation is union representative.

Mr. TAVENNER. Is that your official title, union representative?

Mr. McLEISH. No, my official title is general vice president of the United Electrical, Radio and Machine Workers of America.

Mr. TAVENNER. Do you hold any other position in the UE other than that?

Mr. McLEISH. Yes; simultaneously with that goes the presidency of the district council No. 4.

Mr. TAVENNER. How long have you been president of district council No. 4?

Mr. McLEISH. I have been the president of the district council since September 1937.

Mr. TAVENNER. Occupying that position were you required under the provisions of the Taft-Hartley act to execute what is commonly referred to as the Taft-Hartley affidavit?

Mr. McLEISH. I was.

Mr. TAVENNER. And did you execute the affidavit for the years since the act has been in effect?

Mr. McLEISH. No, sir.

Mr. TAVENNER. Did you execute it for any of the years?

Mr. McLEISH. After our national convention reached a decision in September of 1949, the membership authorized the officers of this union to proceed with the filing of such affidavits, from that point on I have filed.

Mr. TAVENNER. I have here a photostatic copy of what purports to be that affidavit for the year 1949. Will you examine it, please, and state whether this is the first one you executed?

(The witness conferred with his counsel.)

Mr. McLEISH. This is my signature on here. Duly attested to before a notary public in the State of New Jersey.

Mr. TAVENNER. My question is, was that the first affidavit you signed?

Mr. McLEISH. Yes; that was my first affidavit.

Mr. TAVENNER. I have also a photostatic copy for the years 1950, 1951, 1952, 1953, 1954. Do they appear to be correct?

Mr. McLEISH. They appear to be correct with my signature.

Mr. TAVENNER. I desire to offer the 6 documents in evidence and ask that they be marked "McLeish Exhibits 1, 2, 3, 4, 5, and 6," respectively, for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. TAVENNER. Will you tell the committee, please, what the duties of president of the council are? That is, your duties as president of council for district 4.

Mr. McLEISH. I understand. The duties of the president of district 4 council is to preside at all meetings of the council, preside at all meetings of the district executive board, to act as the chief administrative officer of the district.

Mr. TAVENNER. Will you tell the committee how many people compose your staff?

Mr. McLEISH. In district 4?

Mr. TAVENNER. Yes.

Mr. McLEISH. A total of 7 people at the present time.

Mr. TAVENNER. What are their titles or positions?

Mr. McLEISH. We have a district representative, we have a research and educational director, we have a full-time secretary who has a dual position. It is an elected position as secretary, he also has position as district representative. We have an office force of three workers.

Mr. TAVENNER. Then you actually have two district representatives on your staff?

Mr. McLEISH. That might be so; yes.

Mr. TAVENNER. That is so, isn't it?

Mr. McLEISH. One is a direct district representative, the other is a combination of an elected officer on full time who is recognized as a district representative.

Mr. TAVENNER. This committee has heard over a period of time about organizers of the UE. Sometimes they are referred to as field organizers and sometimes as district organizers. Is there a distinction between those two classes?

Mr. McLEISH. There is no district organizer as such. It is a misnomer. There are national field organizers who are on the payroll of the national union.

Mr. TAVENNER. How are the national field organizers assigned to a district?

Mr. McLEISH. In the first place, the national field organizer is placed on the staff by a procedure.

Mr. TAVENNER. What is that procedure?

Mr. McLEISH. Any person, member of the union, or officer of the union, naturally if he is an officer he must be a member, may recommend a person for the staff, or any person a member of the union may apply to be placed on the staff. That application along with the recommendations, whoever they should find to recommend them, is forwarded to the national director of organization.

Mr. TAVENNER. Is that Mr. Matles?

Mr. McLEISH. Mr. James J. Matles. He in his turn sends those to the various areas where those applications might come from. If there are no objections, then they may or may not be placed on the staff, depending upon the open assignments.

Mr. TAVENNER. My question was how are organizers assigned to your district? I did not have in mind particularly how they were appointed in the first instance, but how were they assigned. Who assigns them to the district?

Mr. McLEISH. The international union assigns them to the district.

Mr. TAVENNER. What authority within the international union physically assigns them to the district?

Mr. McLEISH. The provisions of the national constitution applying to the duties of the director of organization.

Mr. TAVENNER. Then that would be Mr. Matles?

Mr. McLEISH. He makes the assignment and if there are objections from the area to which they have been assigned, they may be removed.

Mr. TAVENNER. It would be possible for you as the director—

Mr. McLEISH. Not director, elected officer.

Mr. TAVENNER. As president of your council to object to Mr. Matles regarding any organizer assigned to your district and he would be removed?

Mr. McLEISH. Yes.

Mr. TAVENNER. How many field organizers are normally assigned to a district at one time?

Mr. McLEISH. There is no such thing as "normal" in the trade-union movement, sir. It would depend on the nature of the work in hand at a given time. It may be 50, it may be 10, who knows? And of course the fact as to whether you can pay them or not is very important, too.

Mr. TAVENNER. The payment doesn't come from the district, but comes from the international organization, isn't that correct?

Mr. McLEISH. Absolutely.

Mr. TAVENNER. So your district isn't concerned with the problem of paying the organizer.

Mr. McLEISH. Oh, yes, as a member of the general executive board and vice president, I am concerned with the financial standing of the union.

Mr. TAVENNER. That is not my question.

Mr. McLEISH. That is my answer.

Mr. TAVENNER. It was not responsive to my question. My question—and I would like for you to answer it—is whether the district was concerned with the payment of the salaries of organizers.

Mr. McLEISH. Yes, naturally we are concerned.

Mr. TAVENNER. In what way?

Mr. McLEISH. To see first of all that they have a livelihood, they are able to get around, they appear properly dressed.

Mr. TAVENNER. You know I meant in the sense of responsibility for the payment of their salary.

Mr. McLEISH. If you mean, do we actually pay them——

Mr. TAVENNER. Yes.

Mr. McLEISH. The answer is, "No, we don't."

Mr. TAVENNER. How many field organizers are working out of your office now?

Mr. McLEISH. There are at the present time to the best of my knowledge 15. I might be off by one plus or minus.

Mr. TAVENNER. When field organizers are assigned to your district, are they assigned to your district in the way of a general assignment or are they assigned to work in a particular area in your district?

Mr. McLEISH. The field organizers when they are sent in, when the national office sends them in, are instructed to report to the international representative who in fact is the man in charge of the staff in the area under the direction of the director of organization.

Mr. TAVENNER. The international representative then works under the direction of the president of the district council?

Mr. McLEISH. No, the international representative works under the direction of the director of organization.

Mr. TAVENNER. Mr. Matles?

Do you have any authority as president of the council for district 4 to assign field organizers to work with different locals or different groups within your district?

Mr. McLEISH. I have a limited authority to do things. I do have the power to make recommendations. I do have the power to raise my voice to object or to push, which I never hesitated to do.

Mr. TAVENNER. To whom do you raise your authority to object or to push in the matter of assignment of organizers?

Mr. McLEISH. I understand. To the director of organization and if I don't get satisfaction there, to the general executive board of the union.

Mr. TAVENNER. Explain just how the international representative figures into the picture as far as assignment of duties of field organizers in a district.

Mr. McLEISH. Duties of the international representative is to coordinate the work of the field organizers within the area. That is as simply as I can put it.

Mr. TAVENNER. Does he have authority to change, or does he in practice change the assignment of field organizers from one local to another?

Mr. McLEISH. He has the authority to change those people from one job to another, not necessarily a local.

Mr. TAVENNER. Do you on occasions confer with the international representative with regard to the assignment of work to field organizers?

Mr. McLEISH. Oh, sure, I do. Yes.

Mr. TAVENNER. In fact, the two of you collaborate in that work, do you not?

Mr. McLEISH. I don't know if you call it collaboration. We discuss the question, sometimes we agree and sometimes we disagree. Collaboration to me means something a little bit different.

Mr. TAVENNER. When you disagree what occurs?

Mr. McLEISH. When we disagree, then we go to the next step.

Mr. TAVENNER. Is that Mr. Matles?

Mr. McLEISH. That is correct.

Mr. TAVENNER. Is there more than one international representative at a time in a district?

Mr. McLEISH. That would depend on circumstances, too, sir, the volume of work being the main thing.

Mr. TAVENNER. How many international representatives are assigned to your district now?

Mr. McLEISH. At the present time we have 3, but only 1 acts as all-out international representative with responsibility for the staff.

Mr. TAVENNER. Are you acquainted with Mr. Steve Rudich who testified here yesterday?

Mr. McLEISH. I recognized him as he came into the courtroom.

Mr. TAVENNER. The question is were you acquainted with him, not whether you recognized him.

Mr. McLEISH. Not too well. I recognized him from having seen him before.

Mr. TAVENNER. Was he a field organizer in your district?

Mr. McLEISH. I scratched my memory after hearing his testimony yesterday as to whether he was or whether he was not. I am not too sure that he was a permanent member of the staff. He may have been on a temporary basis here, but if he was it was for a very short period of time.

Mr. TAVENNER. Were you acquainted with Mr. Ernst Pollock?

Mr. McLEISH. Yes; I know Ernst Pollock very well.

Mr. TAVENNER. He was a UE organizer on your staff, wasn't he?

Mr. McLEISH. No; Ernst Pollock was business manager of a local union.

Mr. TAVENNER. And was he treasurer of the district?

Mr. McLEISH. And treasurer of the district for a period of time, and a trustee of the district for a period of time, and a member of the district executive board for a period of time.

Mr. TAVENNER. What do you mean by trustee of the district?

Mr. McLEISH. One of his duties was to pass on vouchers before payment was made.

Mr. TAVENNER. Do you remember Katherine Heck, who was your secretary at one time?

Mr. McLEISH. Katherine Heck. I remember her very well.

Mr. TAVENNER. Do you know where she is now?

Mr. McLEISH. I don't know; I am sorry.

Mr. TAVENNER. When did she last work for you?

Mr. McLEISH. She worked for me about 8½ years. She left I think to have some surgery away back, I am guessing now, around either 1948 or 1949, somewhere in that neighborhood.

Mr. SCHERER. Have you heard of her since?

Mr. McLEISH. I have neither heard from her nor seen her since that time. I might say she was a very competent worker. Can I correct the testimony yesterday? She was a bookkeeper. She was the person who was assisting Pollock in his duties.

Mr. TAVENNER. Did she work in your office?

Mr. McLEISH. That is right, under my direction.

Mr. SCHERER. During the 8½ years she worked for you did you know she was a member of the Communist Party?

Mr. McLEISH. I think that under the circumstances I shouldn't answer that question, Congressman.

Mr. SCHERER. You have that privilege if you want to invoke your privilege.

Mr. McLEISH. I would like to invoke it if you don't mind.

Mr. SCHERER. Did you say it will incriminate you to answer the question?

Mr. McLEISH. I didn't say that, Congressman. I didn't say it would incriminate me. I just said I would like to invoke my privilege because of what I heard yesterday. And some of the questions that you, particularly, and the chairman raised at that time.

Mr. SCHERER. Mr. Chairman, this witness said that he didn't think answering that question would incriminate him, he is only refusing to answer it on something he heard yesterday, it doesn't apply to himself. Therefore, Mr. Chairman, I ask that you direct the witness to answer the question. He cannot possibly invoke the fifth amendment on the basis of the statement he just made.

Mr. DOYLE. Mr. McLeish, I direct you to answer that question.

(The witness conferred with his counsel.)

Mr. McLEISH. I would like to invoke my privilege under the fifth amendment. I know of nothing and my counsel here tells me he knows of nothing of any such language as you used under the fifth amendment, and irrespective of what your interpretation might be of it I would still like to invoke it. Let me put it very bluntly—I do.

Mr. SCHERER. If Kitty Heck was not a member of the Communist Party, would you tell us?

Mr. McLEISH. Now, Congressmen, don't fence around. You are not going to get me in a corner and try to back me out. My answer is still the same on that question.

Mr. SCHERER. As long as you invoke the fifth amendment, there is no chance of getting you in a corner.

Mr. McLEISH. I don't care to get into an argument about Miss Heck. She can probably talk for herself.

Mr. SCHERER. She most likely would invoke the fifth amendment, too.

Mr. McLEISH. I have no way of deciding that. You evidently had your mind made up prior to this hearing as to what she might do. I

am not so sure I would make up my mind so easily. I would let her talk for herself.

Mr. SCHERER. I don't think the witness has answered my question and I think in view of his previous answer—

Mr. McLEISH. I have no intention of answering any such question, Mr. Congressman.

Mr. SCHERER. Just a minute, Witness, please.

Will you direct the witness to answer the question which I asked him, namely, if Miss Heck was not a member of the Communist Party would he tell us?

Mr. DOYLE. I direct the witness to answer the question.

(The witness conferred with his counsel.)

Mr. SCHERER. In view of his statement to my first question, I think he has no right to invoke the fifth amendment. If he does, I think he is clearly in contempt. He specifically said to answer the question would not incriminate him.

Mr. McLEISH. I still decline to answer the question, Congressman.

Mr. DOYLE. On what grounds do you decline to answer?

Mr. McLEISH. On the grounds, first, of all, it is a rather "iffy" question, if I might say so. Secondly, I have no intention of taking the Congressman's interpretation of what I ought to do when I have a counsel here. And, thirdly, I want to invoke my privileges under the fifth amendment.

Mr. DOYLE. Do you invoke them? You say you want to. Do you?

Mr. McLEISH. For the second time, I do.

Mr. DOYLE. I want the record to be very positive.

Mr. TAVENNER. Mr. McLeish, you didn't hesitate in 1941 to fully express yourself publicly as to whether or not you were a member of the Communist Party, did you?

Mr. McLEISH. I don't know just what you are referring to.

Mr. TAVENNER. I have before me a copy of the proceedings of the Seventh International Convention of the United Electrical, Radio and Machine Workers of America, which was held between September 1 and 5, 1941, in Camden, N. J., and I find that you were one of the speakers on the floor in support of a resolution that had been presented at that convention, and which was the subject of considerable debate. The chairman recognized the vice president McLeish, who started out by saying this, in order to refresh your recollection of the incident:

Mr. Chairman and fellow delegates, I am very sorry to have to be here to apologize for some of the statements made by some of the delegates from my district. I think first of all if they had used the machinery within their local and their district, they need not have brought the supposed evidence here to make attacks against officers of my district.

Those were attacks involving communism against those officers of your district, weren't they?

(The witness conferred with his counsel.)

Mr. McLEISH. Might I see that, please? I would like to see the context in which this statement appears.

Mr. TAVENNER. Yes; but first answer the question.

Mr. McLEISH. I can't answer it without seeing it.

Mr. TAVENNER. You can't answer the question, whether on the floor of that convention there were attacks made against officers of your district involving communism?

Mr. McLEISH. 1941 is a long time back. If it will expedite the thing and you show me what is in there, I will be able to make up my mind as to whether I can answer you.

Mr. TAVENNER. I am asking you if you recall, and if you don't I will permit you to refresh your recollection.

Mr. McLEISH. Of course I recall 1941. It was one of the years in the calendar and I know I was in Camden then, and I know I was at the convention, and I know I spoke; I know there was a rumpus, but let me see it and find out the context in which it is made, and I will be able to give you an answer.

Mr. TAVENNER. Let me first see if you recall this independently and if you don't, as I said, I will let you see it. On the question of the resolution, and I am reading from page 100:

I am here to speak in support of the committee's recommendation not because I happen to be a Communist but because I do believe the Communist has a place in our union, just the same as every other member has a place in our union.

Does that refresh your recollection?

Mr. McLEISH. It is coming to me; yes.

Read on.

Mr. TAVENNER. Did you make that statement?

Mr. McLEISH. Will you finish what I said and the full context of what was going on?

Mr. SCHERER. Let's not fence. I ask that you direct the witness to answer the question of counsel, Mr. Chairman.

Mr. McLEISH. I would like to say I don't want your counsel to fence with me, either.

Mr. TAVENNER. I am not. It is a simple question.

Mr. DOYLE. He is not fencing. He read a printed statement which purportedly was made by you.

Mr. McLEISH. He is reading, supposedly, proceedings of a convention in 1941. He has it right before him, and I am asked from memory 14 years later, you know, to say whether or not a given answer on something—I want to know in which context it was. I have said many things over the last 14 years, you know. I have said some things I maybe wish today I hadn't said, but I have said them anyway.

Mr. DOYLE. We are asking you if you made that statement. You apparently are a very able man with very clear recollection and very positive, no question about your memory being good as far as the chairman can discover.

(The witness conferred with his counsel.)

Mr. TAVENNER. The witness has not said that he does not remember this, and that is my question.

(The witness conferred with his counsel.)

Mr. McLEISH. I would like to see that document. If it is what I think it is, I will have no hesitation in answering your question.

In the first place, I can guess it is part of the convention proceedings, but I don't know.

Mr. TAVENNER. I am going to give you an opportunity to verify every word I said.

Mr. McLEISH. Stop fencing with me and give it to me.

Mr. TAVENNER. I want to know whether or not you remember using that language in the course of that debate?

Mr. McLEISH. I can't be clear if I did or not, but if I see the document and read it, I am willing to give an answer.

Mr. TAVENNER. Finally, the witness has answered the question I have asked.

Mr. McLEISH. You have been fencing with me for 10 minutes.

Mr. DOYLE. You are the one who has been fencing.

Mr. TAVENNER. You are welcome to read the whole statement so you will get the context of the whole matter you referred to.

Mr. McLEISH. I won't read the whole statement.

(The witness conferred with his counsel.)

Mr. TAVENNER. Did you use the language which is attributed to you and which I read?

Mr. McLEISH. I used the language which you read, plus a great deal more that is in this particular section of this report. And if you care to, I will read it right into the record completely.

Mr. TAVENNER. If there is anything in the other language to which you refer which would indicate a different interpretation to the language that I read, which was to the effect that—"not because I happen to be a Communist"—you are entitled to state it, and I would like for you to state it.

(The witness conferred with his counsel.)

Mr. McLEISH. I think I would like, Mr. Chairman, to read this whole thing in full as it is at the present time.

Mr. DOYLE. There is no objection, is there, Mr. Tavenner?

Mr. TAVENNER. I have no objection.

Mr. DOYLE. Will you identify, please, from what page and from what volume you are reading?

Mr. McLEISH. From page 100 of the convention proceedings of the year 1941, September 1941 of the Seventh International Convention of the United Electrical, Radio and Machine Workers of America.

Mr. DOYLE. Are you proposing to read your statement before that convention?

Mr. McLEISH. This was in the course of the discussion.

Mr. DOYLE. It is your statement, isn't it?

Mr. McLEISH. This is what I said, to the best of my knowledge.

Mr. Chairman and fellow delegates, I am very sorry to have to be here to apologize for some of the statements from my district. I think first of all if they had used the machinery within their local and their district, they need not have brought this supposed evidence here to make attacks against officers of my district.

Mr. SCHERER. May I interrupt? The attacks that these representative were making, or accusations they were making related to Communist connections of some of the officers of the union, did they not?

(The witness conferred with his counsel.)

Mr. McLEISH. If you want me to answer that, I have to go way back here.

Mr. SCHERER. You don't have to go back. What were the attacks about then?

Mr. McLEISH. This happened to be a discussion on a resolution. This discussion evidently went on for a long period of time.

Mr. SCHERER. I understand that.

Mr. McLEISH. And the year was 1941.

Mr. SCHERER. But you just read where you said if these people hadn't brought this supposed evidence before the convention certain things wouldn't have happened. Now what was this evidence? Was it evidence in connection with Communist membership on the part of

certain officers of the union? That is all I want to know, or if it wasn't, what was the evidence?

Mr. McLEISH. You are a persistent guy for interruptions, there is no question.

Mr. SCHERER. I am.

Mr. DOYLE. He has a good deal of Scotch in him.

Mr. McLEISH. He has a good deal of something else besides Scotch, if the truth were known.

Mr. DOYLE. He has a good deal of duty as an American Congressman.

Mr. McLEISH. I am not taking away from his duties.

Mr. SCHERER. Let's cut out these compliments.

Mr. McLEISH. I am not throwing any bouquets out.

Mr. SCHERER. Let's keep to the record.

Mr. McLEISH. I should just like you to hold up your questions until I get through finishing what I was on.

Mr. SCHERER. I don't have to hold up my questions. I think you understand what I am asking; Mr. Tavenner asked you before and you did.

Mr. McLEISH. Did I or did I not have your permission, Mr. Chairman, to read this?

Mr. DOYLE. Yes.

Mr. McLEISH. Can I be allowed to proceed, and then he may ask his question?

Mr. DOYLE. I don't think it will interrupt you.

Mr. McLEISH. It sure is interrupting me.

Mr. SCHERER. I insist on my right to ask a question at any point while he is reading.

Mr. DOYLE. It wouldn't confuse you in the further reading to answer the question.

Mr. SCHERER. It clarifies what he is reading. I want to know what these complaints were that resulted in this resolution. Mr. Tavenner asked the question and didn't get an answer, and I think everybody here wants to know what these complaints were that you were discussing.

Mr. DOYLE. Complaints that you described as supposed evidence.

Mr. McLEISH. If you want me to answer it you will have to give me time to go over this to refresh my memory.

Mr. SCHERER. Don't you know of your own knowledge what those complaints were?

Mr. McLEISH. In a rough way.

Mr. DOYLE. Tell us what they were in a rough way.

Mr. McLEISH. I want to give it to you in a real way.

(The witness conferred with his counsel.)

Mr. SCHERER. Counsel, you understand the rule. I respectfully suggest that counsel has a right to advise the witness as to his legal rights and not tell him what to answer. I think he knows exactly, as well as I do, what the complaints were that resulted in this resolution that he is discussing, but the record doesn't show it and I want it in the record. Now, without going back into the book, do you recall what the complaints of the members of your local were?

Mr. McLEISH. There were no complaints from the members of my local.

Mr. SCHERER. What was this evidence you said they brought that you characterized as supposed evidence?

Mr. McLEISH. As far as I can recollect, and I want to be sure, there was one delegate who produced a photostat in a charge against a fellow officer of mine and that photostat afterward was proven to be a forgery where somebody took one piece of document and pasted on another one, had the photostat made.

Mr. SCHERER. You mean they do that within the union?

Mr. McLEISH. They do that everywhere as far as I can see, from what I find from the newspapers.

Mr. SCHERER. You still didn't answer my question and you are not getting me away from it. What was the complaint about? What was the forgery about? Was it about Communist membership or was it about embezzlement within the union?

I want to know whether the evidence was true or genuine, or false, what the subject matter dealt with.

Mr. McLEISH. There was a discussion on the floor of the convention arising out of a resolution presented by the resolutions committee of that convention on the question of—Do you want to get the whole question?

Mr. SCHERER. You described this falsified evidence that you said was produced. What did it deal with? What was the subject matter? Did it deal with an embezzlement within the union? Did it deal with Communist membership on the part of an officer or what did it deal with?

Mr. McLEISH. No.

Mr. SCHERER. It is as simple as that, and you know what it is as well as I do, but I want it in the record.

Mr. McLEISH. I am looking here to find out for sure.

Mr. DOYLE. You have mentioned a photostat, Mr. McLeish, and that it was proved to be false. What did the photostat claim to be?

Mr. McLEISH. I am trying, Mr. Chairman, to get my mind back on it. If you will give me the time, and you must have the answer, I will find it here. I will refresh my memory.

Mr. SCHERER. You go ahead and refresh your memory, but I think you know what it is without refreshing it.

Mr. McLEISH. If you think you know, I don't see why you should ask me.

Mr. SCHERER. I want it in the record as I told you. That is what we are here for.

Mr. McLEISH. If you want it in the record, you just have to be patient.

Mr. STAVIS. I would like to make a procedural suggestion. Since we are approaching the luncheon hour and if you are going to ask extensive questions about their 1941 convention, perhaps we can recess now.

Mr. SCHERER. I don't want to give him opportunity to arrange his answer.

Mr. McLEISH. I don't want the opportunity. I will stay here. I don't want any opportunity that isn't right. I think I have found it.

Mr. SCHERER. It should be obvious to anyone that a witness who claims to know how an exhibit was forged and altered knows what the subject matter of the forgery or instrument was.

Mr. McLEISH. I told you that I had some recollection of it but not clearly, and before I answer I want to be sure.

Mr. DOYLE. You have just stated you found it.

Mr. McLEISH. I have come to the place here, where it comes in.

Mr. DOYLE. What page are you looking at, Mr. McLeish?

Mr. McLEISH. I am picking it up at page 81.

Mr. DOYLE. Page 81 of the same official document you have identified as official proceedings?

Mr. McLEISH. Yes, and I think I have found the actual place. One of the delegates there got up and said:

Mr. Chairman, delegates, I have documentary proof, photostatic copies of the activities of the Communist Party in district 4. Schools for organizers and UE members, high officials in district 4, conducting meetings for the Young Communist League. I have that right here in this portfolio for this convention.

Mr. SCHERER. The subject matter under discussion involved a charge of Communist activity within district 4 on the part of UE officials, did it not?

Mr. McLEISH. That was part of the discussion:

Mr. SCHERER. A resolution resulted from the complaint of a member of the union, did it not?

Mr. McLEISH. No, sir.

Mr. SCHERER. How did the resolution arise?

Mr. McLEISH. This so-called testimony was introduced during the discussion on the resolution dealing with the whole question of Nazism and Fascism. That was how it was introduced.

Mr. DOYLE. Do you have the text of that resolution in that volume?

Mr. McLEISH. I will have to go back and find it.

Mr. DOYLE. I will withdraw it for the present because we will question you after lunch, but I am just wondering if you have located that resolution yet.

Mr. McLEISH. No, I didn't go far enough back, just page 100 back to 81 to find this.

Mr. SCHERER. Your remarks which Mr. Tavenner read to you, were referring to the charge of Communist activity made by this individual within district 4, were they not?

Mr. McLEISH. No, sir.

Mr. SCHERER. What were your remarks referring to?

Mr. McLEISH. Will you let me continue where I started to read? You will be able to find out.

Mr. SCHERER. I mean the remarks when you said, "I am not a member of the party myself, but"—

Mr. DOYLE. He didn't say that. He said, "not because I am a Communist."

Mr. SCHERER. I even gave him the benefit of the doubt.

Mr. McLEISH. At least that is one point up, anyway. Can I continue now where I left off?

Mr. DOYLE. Please do that.

Mr. McLEISH. Thank you. [Reading:]

On the question of the resolution I am here to speak in support of the committee's recommendation not because I happen to be a Communist but because I do believe the Communist has a place in our union just the same as every other member has his place in our union. The question will come up from time to time, we have these outside agencies and individuals who have been working in this hallway during the whole of this week, of whose communications to certain delegates I have a copy. They have been receiving notes all

week. It is all right with me. They can receive them now as long as they do not disrupt this convention.

On the question of my beliefs and the right of members to hold office and membership in this union since the formation of this union, and since I became a member and alleged officer I have at all times believed that every member once we accepted him into membership was entitled to the same rights and privileges as his fellow members.

I continue to believe that and will continue to fight for that position no matter what he might be, whether he be Communist, Socialist, Nazi, Fascist, or any other—

There is a word that just isn't exactly the King's English—

things on this earth. I have been brought up under that system.

I cannot claim to be native born, I do claim to be a naturalized citizen. The country means much to me, as much to me as it does to you, and I expect to earn my livelihood here until the time I pass on.

Many of us have been branded. Our distinguished president has inferred I wear pink pants, but mine are getting a little bit worn—

and that part is deleted and that must have been rather strong—

I want to urge every delegate to give this thing serious consideration. This committee has deliberated many hours. They have brought us something they feel is for the good of the union. I want you as delegates to sit down sensibly, don't be swayed, use your own good judgment, and I have the feeling that by using your own good judgment you will uphold the committee and I along with you will abide by the majority decision.

Mr. DOYLE. May I ask one question? Have you read now the complete, entire text of your discussion on that resolution?

Mr. McLEISH. As far as I can remember. On this part at least. I don't know whether I spoke again or not.

Mr. TAVENNER. In reading it you have confirmed that it is the statement you made. I want to refer back now to my original question.

Mr. SCHERER. And we came to the conclusion finally that it was the result of the complaint of a member of the union about Communist activities in district 4.

Mr. McLEISH. No, it was not.

Mr. TAVENNER. Mr. McLeish, referring back again to the portion I read to you at the beginning:

On the question of the resolution I am here to speak in support of the committee's recommendation, not because I happen to be a Communist but because I do believe the Communist has a place in our union, just the same as every other member has a place in our union.

You were a member of the Communist Party at the time you made that statement, were you not?

(The witness conferred with his counsel.)

Mr. DOYLE. That was 1941, as I recall the date. May I see the exhibit if you are through with it?

Mr. McLEISH. I think, Mr. Counsel, that after listening to the testimony yesterday—and there is certainly involved the attitude of the members of this Board—that an attempt is being made to work a fence around me for some no-good reason. Therefore, in order to protect myself, I want to invoke my privileges under the fifth amendment.

Mr. TAVENNER. And refuse to answer?

Mr. McLEISH. Correct.

Mr. DOYLE. Again, Mr. McLeish, you have used very polite language that you want to invoke the privilege. I am asking you to be positive, like a Scotchman born, and say whether or not you do.

Mr. McLEISH. I do.

Mr. DOYLE. I think I ought to make this brief statement of my own personal position in part. I, as an American citizen, recognize that conditions were considerably different in 1941 than they are now, and have been at any time since Earl Browder was expelled from the Communist Party leadership. I have come to feel as a Member of Congress for going on 9 years, and as a member of this committee, that possibly some patriotic Americans were members of the Communist Party in 1941 but got out after Earl Browder was kicked out, if they hadn't before.

I, as a member of this committee, personally made some allowance for American citizens having been members of the Communist Party in 1941, but I don't make very much allowance for any man or woman who claims to be a patriotic American and is a member of the Communist Party now, or who remained a member of the Communist Party after Earl Browder was expelled.

I make that statement to you, sir, because I have known of a few distinguished labor leaders in the country who were Communists in the years 1941 and 1942, but when they realized that the Communist Party became a conspiracy to use force and violence, they got out of it because they couldn't stomach the rotten stuff and they wouldn't stomach the philosophy as given by Mr. Moroze an hour or two ago. You heard him say that the United States Government was a tyranny, that was the effect of his statement in my book.

I want to say to you, Mr. McLeish, because you have adopted my Nation as your own, I think as a great labor leader, if you were a member of the Communist Party in 1941 that is one thing; but if you got out I think you ought to say so and help your Government which you adopted. That is my position with you and with any other labor leader. Do you understand what I am trying to get across to you?

Mr. McLEISH. I understand you perfectly, Congressman.

Mr. DOYLE. I have said this same thing all over the Nation. I can't understand why in God's name you labor leaders in the UE or any other group who might have gone into the Communist Party in 1941, 1942, and 1943 and remained a member after Earl Browder was kicked out by the Soviet regime in 1945, come into this room and claim the fifth amendment. We expect any man to claim the fifth amendment if he does so conscientiously and honestly. We are defending constitutional rights just as much as Moroze, or you, or anybody else. But I don't understand why you refuse to help your own United States Congress uncover this conspiracy and make it as difficult as possible for the Communist conspiracy to succeed.

I think as a labor leader you owe your own country, your adopted country, the obligation of saying when you got out of the Communist Party if you did, and if you didn't you owe the same obligation to say you didn't.

On top of that, I say for God's sake get out of it. I have been perfectly frank with you. I didn't say what I did to preach to you but that is the way I feel.

(The witness conferred with his counsel.)

Mr. McLEISH. You also made some allegations there I think pretty definite. I did not say whether I was or was not in 1941, but I sat here yesterday and I heard testimony given by a man whom I know was sick. I know from my own personal opinion and because of the tes-

timony he gave there I have no other alternative but to apply, but to invoke my privileges.

Mr. DOYLE. You mean he was sick when he was testifying?

Mr. McLEISH. He was sick prior to it.

Mr. DOYLE. Was he sick when he was a member of your staff?

Mr. McLEISH. He sure was when he was a member of the local staff, he was.

Mr. DOYLE. Was he in the hospital?

Mr. McLEISH. Yes; he was in the hospital four times to my knowledge.

Mr. DOYLE. For what cause, if you know?

Mr. McLEISH. I would prefer not to say here, but he was sick. I imagine the doctors would be much more able to tell you that than I.

Mr. DOYLE. What hospital was he in?

Mr. McLEISH. I know he was in St. James Hospital in Newark.

Mr. TAVENNER. Was it for drinking? Don't leave the impression it was something else if that is what it was.

Mr. McLEISH. Yes; actually it was caused by excessive drinking.

Mr. DOYLE. In other words, another case where a good American citizen let booze get control of him for a while.

Mr. SCHERER. I just didn't want the inference left that he was a mental case.

Mr. McLEISH. I do know he did attend a psychiatrist. I am not saying he was mental or otherwise, but I do know he was taking treatments.

Mr. SCHERER. What part of his testimony was untrue?

(The witness conferred with his counsel.)

Mr. McLEISH. You are not going to rattle me on this.

Mr. SCHERER. You came in here and are impugning the testimony of that individual and his integrity, and we are giving you an opportunity now to say what part of his testimony was untrue.

Mr. McLEISH. I thank you very much for the opportunity, Congressman.

Mr. SCHERER. But you won't take that opportunity.

Mr. McLEISH. I am not prepared to at the present time.

Mr. SCHERER. Will you review his testimony?

Mr. McLEISH. I might.

Mr. DOYLE. Did you hear it all day yesterday?

Mr. McLEISH. Yes; I did.

Mr. SCHERER. What part of his testimony with reference to Communist charges within the union, the UE, were untrue?

Mr. McLEISH. I am not going to let you walk me into a trap.

Mr. SCHERER. Was any part of his testimony that you heard untrue?

Mr. McLEISH. There is a difference between truth, untruth, and half-truth. I am not prepared to go into it at the present time. I don't want to use his testimony either for or against myself. All I want to do is to protect myself against persecution and prosecution.

Mr. SCHERER. You are inferring that this man lied to this committee. I am giving you the opportunity to say right now in what respects that man lied. You admitted you sat here and listened to his testimony, and I am sure you listened intently (the witness conferred with his counsel) to his testimony because it dealt with your union, and I want you to tell us now where he didn't tell the truth.

Mr. McLEISH. I don't care to.

Mr. SCHERER. I ask you to direct the witness to answer my question.

Mr. DOYLE. I do, Mr. McLeish, I direct you to answer the question. Here is a case where under our committee rules it is possible for a man who claims that his reputation was hurt and damaged by what a witness said has a chance to defend himself, and under our committee rules we are very glad to offer it to him. You voluntarily claimed the witness didn't tell the truth about the activities within the union of which you were in charge. He testified in this very courtroom and you heard him, and here is your chance to answer.

(The witness conferred with his counsel.)

Mr. McLEISH. Mr. Chairman, in the first place, the man giving testimony did not accuse me of being a member of the Communist Party. Second, I don't intend to get into an argument with a guy whom I know has been sick for a long period of time; and thirdly, I want to invoke, I will invoke my privileges under the fifth amendment.

Mr. SCHERER. You are refusing to answer, then, on the ground that to answer might incriminate you?

Mr. McLEISH. No, sir.

Mr. SCHERER. You did invoke the fifth amendment just now.

Mr. McLEISH. That is something quite different.

Mr. DOYLE. How is it quite different? What does the fifth amendment to the Constitution say that you claim?

Mr. SCHERER. If you are invoking the fifth amendment for any other reason than that it might tend to incriminate you you are invoking it improperly.

Mr. McLEISH. It doesn't say any such thing, according to my knowledge.

Mr. TAVENNER. Were you invoking the fifth amendment because to answer the question might tend to incriminate you?

Mr. McLEISH. I invoked it because I invoked it, sir.

Mr. TAVENNER. You are not in any sense in fear of incriminating yourself if you would answer the question truthfully?

(The witness conferred with his counsel.)

Mr. McLEISH. I am in fear of a frameup by this committee.

Mr. TAVENNER. I ask that he be directed to answer the question.

Mr. DOYLE. I direct you to answer the question, Mr. McLeish.

(The witness conferred with his counsel.)

Mr. McLEISH. What is the question?

Mr. DOYLE. Please read it, Mr. Reporter.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. SCHERER. I think the record should show counsel is writing out the answer for the witness so the witness can read it.

Mr. STAVIS. The record should show the complete circumstances.

Mr. SCHERER. The record does because it includes everything said by Mr. Tavenner, Mr. Doyle, and myself. The record does not show you are writing the answer for him. All I want is to have it in the record.

(The witness conferred with his counsel.)

Mr. DOYLE. Mr. McLeish, if you are relying on advice of your counsel—

Mr. McLEISH. I sure am.

Mr. DOYLE. Will you please read the answer he wrote for you to read?

Mr. McLEISH (reading): In answer to the question directed to me, I would like to say that I am in fear of persecution and prosecution by this committee, and other arms of the Government instigated by this committee, and for that reason I decline to answer the question or to be considered a witness against myself.

Mr. TAVENNER. In light of the witness' explanation a moment ago of his use of the fifth amendment, I feel it is necessary for me to ask him again a question which he refused to answer a little while ago. Mr. McLeish, were you a member of the Communist Party in September of 1941?

(The witness conferred with his counsel.)

Mr. McLEISH. I decline to answer it for the same reasons I have just given you.

Mr. TAVENNER. What are those reasons?

Mr. McLEISH. Do you want me to read this again?

Mr. TAVENNER. I am asking you for your answer.

Mr. McLEISH (reading): In answer to your question, I am in fear of persecution and prosecution by this committee, and other arms of the Government instigated by this committee, and for that reason I decline to be a witness against myself.

Mr. TAVENNER. Mr. McLeish, do you consider that a truthful answer to my question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. McLEISH. Mr. Tavenner, I am not afraid of a truthful answer. I am afraid of the things I said here. I am afraid of persecution and prosecution, and I don't intend to be a witness against myself.

Mr. TAVENNER. You are not in any sense fearful of telling the truth to the question I asked you?

(The witness conferred with his counsel.)

Mr. McLEISH. I would like to repeat what I said before that. [Reading:] I am in fear of persecution and prosecution by this committee, and other arms of the Government instigated by this committee, and for that reason I decline to be a witness against myself.

Mr. SCHERER. I ask the chairman to direct the witness to answer Mr. Tavenner's last question.

Mr. DOYLE. I direct you, Mr. McLeish, to answer the last question.

Mr. McLEISH. I invoke my privilege under the fifth amendment for the reasons just stated.

Mr. TAVENNER. Mr. McLeish, you stated that you were in no sense fearful of the consequences of telling the truth. If that is true, I do not see how you can possibly rely upon the fifth amendment in good faith. I am trying to find out whether you are doing it in good faith.

(The witness conferred with his counsel.)

Mr. SCHERER. I think the record should show, and I ask that it show, on all of these questions the witness before answering has had full opportunity to consult with counsel and has consulted with counsel.

Mr. DOYLE. Let the record so show.

Mr. McLEISH. I don't intend, Mr. Tavenner, to take your interpretation for granted. I want to repeat very emphatically that I am fearful of persecution and prosecution by this committee and by other agencies of the Government that may be instigated by this committee and for that reason I decline to answer.

Mr. SCHERER. I think the record is clear. He has refused; that is not an answer to a direction of the chairman. Let the record stand at that point.

Mr. TAVENNER. I think the witness has not yet been directed to answer my question as to whether or not he was a member of the Communist Party in September 1941.

Mr. McLEISH. I think I already answered that, Mr. Chairman, previously at your direction. If you want to direct me to answer it again—

Mr. DOYLE. Thank you, I do.

Mr. McLEISH. I do invoke my privilege.

Mr. SCHERER. Before we adjourn I think I should ask this: Do you have those non-Communist affidavits?

Mr. TAVENNER. I am coming back to that.

Mr. SCHERER. All right. I thought you were going to dismiss the witness.

Mr. TAVENNER. I would like the witness to be back this afternoon.

Mr. DOYLE. Mr. Counsel and witness, you will be back at 2 o'clock.

The committee will reconvene at 2 o'clock this afternoon.

(Whereupon, at 1 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION, MAY 17, 1955

Mr. DOYLE. The committee will please come to order, and may the record show that Representative Scherer of Ohio and Representative Doyle of California are both present, making a legal quorum of the subcommittee.

I understand, Counsel, you and your client wish to appear Thursday morning.

Mr. PERLIN. That is correct.

Mr. DOYLE. Is your client with you?

Mr. PERLIN. Yes, sir.

Mr. DOYLE. Will you, sir, be here on Thursday morning at 9:30?

Mr. LUSTIG. If you so desire.

Mr. DOYLE. I have noticed you the last 2 days in the courtroom so I know it will not inconvenience you in being here Thursday morning in answer to your subpoena. You will be here, too, Counsel?

Mr. PERLIN. Yes, and if any problem arises as to myself, I will make sure there will be no further delay.

Mr. DOYLE. Let no problem arise. We want you here.

Mr. SCHERER. The record should show that the continuance was granted at the request of the counsel for the witness.

Mr. DOYLE. Let the record so show.

Proceed, Mr. Tavenner.

TESTIMONY OF JAMES B. McLEISH, SR., ACCOMPANIED BY
COUNSEL, MORTON STAVIS—Resumed

Mr. TAVENNER. Was Mr. Elwood Dean an official of the UE or an organizer, Mr. McLeish?

Mr. McLEISH. I don't recall anyone of that name ever being on the payroll of the UE, or being an officer of the UE.

Mr. TAVENNER. Was he employed by UE in any capacity?

Mr. McLEISH. No, sir.

Mr. TAVENNER. Do you know whether he was employed by a local of the UE?

Mr. McLEISH. Not to my knowledge.

Mr. TAVENNER. You are acquainted with him, are you not?

(The witness conferred with his counsel.)

Mr. McLEISH. I have to decline to answer that question, Counsel, on the basis I previously stated.

Mr. TAVENNER. I hand you a photostatic copy of a notarized petition, bearing date of May 29, 1946, for Elwood Dean's candidacy for the office of freeholder of the city of Newark, under the party designation of Communist Party. Will you examine this, please, and state whether or not the signature appearing on line 85 of page 3 is your signature?

Mr. McLEISH. I must decline to answer your question and assert my privilege.

Mr. TAVENNER. Do you see the James J. McLeish on line 85?

Mr. McLEISH. I decline for the same reason.

Mr. SCHERER. I ask, Mr. Chairman, that you direct the witness to answer the question as to whether he sees the signature. Whether he sees it on this document cannot possibly incriminate him.

Mr. DOYLE. I instruct you, Mr. McLeish, to answer Mr. Tavenner's question.

(The witness conferred with his counsel.)

Mr. McLEISH. There is a document here I can see. There is inked writing on it which is here for examination. But I decline to say whether or not I see a name on the 85th line for the reasons I have previously given.

Mr. TAVENNER. Do you see an address in the middle of line 85?

Mr. McLEISH. I decline to answer that, too.

Mr. SCHERER. May I ask, Mr. Chairman, that you direct the witness to answer the question as to whether he sees an address on the middle of line 85.

Mr. DOYLE. I so direct you, Mr. McLeish, to answer that question.

(The witness conferred with his counsel.)

Mr. McLEISH. There is apparently an ink inscription saying 17 Williams Street.

Mr. TAVENNER. Did you ever live at that address?

Mr. McLEISH. No, sir.

Mr. TAVENNER. Is the handwriting on line 85 your handwriting?

Mr. McLEISH. I decline to answer that question, Counsel.

Mr. TAVENNER. Did you ever work at the address which you just gave?

Mr. McLEISH. I did.

Mr. TAVENNER. Was that in 1946?

Mr. McLEISH. I believe so.

Mr. TAVENNER. What was the nature of your employment at that time?

(The witness conferred with his counsel.)

Mr. McLEISH. I originally answered that in my previous questions early in the testimony.

Mr. TAVENNER. Will you state it again?

Mr. McLEISH. I was elected to office in September 1937. I am still in office.

Mr. TAVENNER. I desire to offer the document in evidence and ask it be marked "McLeish Exhibit No. 7," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Was the address that you gave the headquarters of UE district No. 4?

Mr. McLEISH. I believe so, yes, 17-19 Williams Street.

Mr. TAVENNER. Mr. Chairman, the witness in the early part of his testimony identified his signature on exhibits KC 1, 2, 3, 4, 5, and 6, they being the non-Communist affidavits signed and filed under the Taft-Hartley Act beginning in 1941.

We have submitted those 6 documents to the Identification and Detection Division of the Veterans' Administration for comparison of the handwriting which he has admitted as his signature, on these documents, and the Communist Party nominating petition which we just introduced in evidence.

Mr. SCHERER. And which contains the signature he has refused to affirm or deny?

Mr. TAVENNER. That is right. I desire to read into evidence the report relating to that matter.

Memorandum, United States Government, to director Investigations Service, date, May 12, 1955, Laboratory Report 5776, from Chief Identification and Detection Division, subject, McLeish, James B., title of examination handwriting.

1. This division is in receipt of a letter dated May 10, 1955 from Frank S. Tavenner, Jr., Counsel, House Committee on Un-American Activities, United States Congress. A group of photostatic copies of documents containing questions and known signatures was submitted with the letter.

2. The request was made that a signature appearing on page 3 of a Communist Party nominating petition dated May 29, 1946 be compared with several known signatures of James B. McLeish to determine whether or not the questioned signature on the nominating petition is genuine.

3. The following documents were examined in this case: Questioned document: QC-1, photostatic copy of Communist Party nominating petition notarized May 29, 1946, consisting of 13 pages, containing on page 3 following the item number 85 the questioned signature and address, J. McLeish, 17 Williams Street, Newark, N. J. Known documents KC-1, positive photostatic copy of affidavit of non-Communist union officer dated October 3, 1949 pertaining to United Electrical, Radio & Machine Workers of America containing the known writing and signature of James B. McLeish, in item marked signature and address.

KC-2, negative photostatic copy of affidavit non-Communist union officer dated September 28, 1950, pertaining to United Electrical, Radio & Machine Workers of America, containing known signatures of James McLeish.

KC-3, a negative photostatic copy of an affidavit of non-Communist union officer dated September 17, 1951, pertaining to the United Electric, Radio, and Machine Workers of America containing the known signature and writing of James McLeish.

Following items title, signature and address.

The same information statement is made with respect to items: Documents KC-4, KC-5, and KC-6.

Conclusions: An examination and comparison of all of the questioned writing and known signatures and writing appearing on the various documents above has resulted in the conclusion that the signature and address J. McLeish, 17 Williams Street, Newark, N. J., appearing on the Communist Party nominating petition QC-1 was written by and is the genuine signature and writing of James B. McLeish, whose known writing and signatures appear on the affidavits described as KC-1 through KC-6.

Mr. McLeish, were you a member of the Communist Party on May 29, 1946?

Mr. SCHERER. Mr. Tavenner, before you ask that question, could I interrupt you for another question in connection with the report?

Witness, you heard the report read by Mr. Tavenner from the handwriting experts of the Veterans' Administration finding the signature on the Communist Party petition to be your signature. Is that finding correct?

Mr. McLEISH. I have no reason to judge the Veterans' Administration. I am not their judge. They made a report.

Mr. SCHERER. Is that your signature?

Mr. McLEISH. I declined to answer that question originally, Congressman.

Mr. SCHERER. Then I again repeat my question. Is their finding correct?

Mr. McLEISH. I am no judge of their findings, Congressman.

Mr. SCHERER. You don't deny then that their conclusion is correct, that it is your signature?

Mr. McLEISH. I just refuse to answer that question.

Mr. TAVENNER. Mr. McLeish, were you a member of the Communist Party on May 29, 1946, the date of this Communist Party nominating petition?

(The witness conferred with his counsel.)

Mr. McLEISH. I think there are a couple of things involved here, Mr. Counsel. The question of the freedom of association, freedom of choice, as well as my refusal to answer this question on the basis of my privilege under the fifth amendment. I invoke that privilege.

Mr. TAVENNER. When you invoked the privilege of the fifth amendment, do you mean that to answer the question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. McLEISH. I think we spent 2 hours this morning going to this very question, Counselor. And it is still the same as it was before. I invoke my privileges under the fifth amendment, period.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question because the question asked by Mr. Tavenner is a perfectly proper question to test whether or not the witness is invoking the fifth amendment in good faith.

Mr. DOYLE. I so instruct you, Mr. McLeish.

(The witness conferred with his counsel.)

Mr. McLEISH. I can only repeat, Mr. Chairman, what I said before lunch time. I repeated it half a dozen times at least, of my reasons for invoking it. The reasons are exactly the same as they were at that time, and I repeat, I invoke my privilege under the amendment.

Mr. SCHERER. The question of counsel was whether or not you fear that answering that question might tend to incriminate you, and you can't invoke the fifth amendment to that question.

Mr. McLEISH. Mr. Congressman, I know what the counsel asked me. I also know the question. I was asked before lunch time to try and hem me in. I expressed then my reasons for it, they are still the same now. The reasons I gave before lunch time are just as good now as they were then.

Mr. SCHERER. Are you invoking the fifth amendment?

Mr. McLEISH. If you wanted me to repeat them, I will tell you. I fear persecution and prosecution from this committee and other agencies of Government with which this committee is tied up, and I will not voluntarily agree to be a witness against myself. That is my reason.

Mr. SCHERER. That is the reason for your refusal to answer Mr. Tavenner's question as to whether or not you fear that to answer the question might tend to incriminate you?

Mr. TAVENNER. Mr. McLeish, in fact on July 25, 1947, Mr. James Joseph Conroy appeared as a witness before this committee in connection with hearings which were being conducted regarding communism in labor unions in the United States. His testimony is to be found on page 196 of those hearings. This is a statement of certain questions which were asked him and the answers he gave.

Mr. STRIPLING. Are you acquainted with an individual named James McLeish?

Mr. CONROY. Yes, I am.

Mr. STRIPLING. What position does he hold?

Mr. CONROY. He is president of district 4, UE.

Mr. STRIPLING. Do you have any knowledge as to whether James McLeish is a Communist?

Mr. CONROY. He is.

Mr. STRIPLING. Have you sat in meetings with him?

Mr. CONROY. No; I have not, he told me he was.

Mr. STRIPLING. When did he tell you he was a Communist?

Mr. CONROY. In 1946.

Did you have such a conversation with Mr. Conroy?

Mr. McLEISH. I certainly wasn't at the hearing. Therefore I didn't hear his testimony.

Mr. SCHERER. Witness, that isn't an answer.

Mr. McLEISH. Congressman, will you please let me answer?

Mr. SCHERER. You are not answering the question.

Mr. McLEISH. I am getting to it in my way.

Mr. SCHERER. The question has nothing to do with whether you were at the hearing.

Mr. McLEISH. Only I can answer the question directed to me. You can't do it for me. I don't recall any such conversation with Mr. Conroy.

Mr. TAVENNER. Do you deny having had such a conversation with him?

(The witness conferred with his counsel.)

Mr. McLEISH. I can't recall any such conversation, and I can neither affirm or deny that such a conversation took place. To the best of my knowledge and to the best of my recollection it did not.

Mr. TAVENNER. You testified earlier as to the date and place you were naturalized. What was the date and the place?

Mr. McLEISH. Newark, N. J. was the place, and as far as I can remember, the date was in February when I appeared, the date was also February when the papers came through, about a 2-week gap.

Mr. TAVENNER. In what year?

Mr. McLEISH. 1933.

Mr. TAVENNER. Were you a member of the Communist Party prior to the granting of your naturalization in February 1933?

(The witness conferred with his counsel.)

Mr. McLEISH. I regret I will have to decline to answer that, Mr. Counsel.

Mr. TAVENNER. Were you a member of the Communist Party on the 3d day of October 1949?

(The witness conferred with his counsel.)

Mr. SCHERER. Is that the date he signed the first Taft-Hartley non-Communist oath?

Mr. TAVENNER. Yes, sir.

Mr. McLEISH. Congressman, I signed an affidavit on that date and various other dates. I know those affidavits have been before the Department of Justice for investigation. Up until now they apparently are of the feeling that there is nothing wrong with those affidavits because I have never been prosecuted for them, but because of what I know has gone on here in this committee meeting room and the attitudes expressed by the members of this committee, I must decline to answer this question based on my previous reasons.

Mr. TAVENNER. Were you interrogated by the Federal Bureau of Investigation with regard to Communist Party membership on your part on the 3d day of October 1949?

(The witness conferred with his counsel.)

Mr. McLEISH. Well, in the first place I don't know who is in the FBI, except Mr. Hoover is head of the FBI and I wouldn't know whether I was interrogated or not unless they flashed a badge or something on me. I don't recall being interrogated by anybody from that department.

Mr. TAVENNER. The reason I asked you is because you said you were under investigation by the FBI, that you knew it, and I just wanted to inquire whether you were interviewed regarding that matter by the FBI.

(The witness conferred with his counsel.)

Mr. McLEISH. I think that is public knowledge, Mr. Counsel. I think it was McInerney from the Department of Justice who reported on this very question in the House of Congress—I don't know whether in the Senate or House, but in one or the other—that full investigation of those affidavits from the time they were submitted had failed to throw any light on any possibility of their being bum affidavits.

Mr. TAVENNER. Then the point is that you have neither affirmed nor denied to the people whom you say were investigating this matter as to whether or not you were a member of the Communist Party on October 3, 1949.

(The witness conferred with his counsel.)

Mr. McLEISH. Maybe if they come I will answer them. I don't know. They haven't been yet.

Mr. SCHERER. Did you say if they come you will answer them?

Mr. McLEISH. Don't put words in my mouth, Congressman. You have been trying to do that to me all day. I said maybe if they come.

Mr. SCHERER. I didn't hear the maybe.

Now you are going to have the opportunity to answer right here while you are under oath. On October 3, 1949, you signed an affidavit and swore to it, saying that you were not a member of the Communist Party. Did you tell the truth when you signed that affidavit?

(The witness conferred with his counsel.)

Mr. McLEISH. I have already answered this question to my satisfaction to the counsel. I don't know whether it is to your satisfaction, but at least it is to mine. My answer will have to stand.

Mr. SCHERER. My question is simple. Did you tell the truth when you signed this non-Communist oath on October 3, 1949?

(The witness conferred with his counsel.)

Mr. McLEISH. I can only assume, Mr. Congressman, that if I hadn't told the truth, I would have been prosecuted a long time ago. My answer is still the same. I will rely on my privileges on this entire question.

Mr. SCHERER. Do you mean to tell us, Witness, that having signed an affidavit under oath and submitted that affidavit to the Federal Government of the United States that you will not now today say to us whether or not you told the truth when you signed that affidavit?

(The witness conferred with his counsel.)

Mr. McLEISH. Evidently, Mr. Congressman, you don't know yes from no. Four times you have asked me this very question.

Mr. SCHERER. And four times you haven't answered.

Mr. McLEISH. Four times I have told you I decline to answer this question. Now if there is anything wrong with it, I am sure the Department of Justice will take action. If they do and they can prove any such thing, then I will be the one to suffer. Let me repeat once again so you don't have to be asking the same question the fifth time and save the time of this committee, I decline to answer and I rely on my privileges.

Mr. SCHERER. Were you a member of the Communist Party on that date?

Mr. McLEISH. Mr. Congressman, this happens to be the fifth time you have asked me much the same question. You may twist the wording around a little bit, but to me it is exactly the same. I repeat, I decline to answer that question for the reasons I have previously given.

Mr. SCHERER. This is sort of shocking—Head of a union.

Mr. McLEISH. It may be to you, sir, but when I got to protect myself under what I think I got to protect myself, it is much better for me to be free and walking around than to be cooped up.

Mr. SCHERER. You are given an opportunity here to protect yourself. We are merely asking you whether or not you told the truth in an affidavit, a statement that you made under oath.

(The witness conferred with his counsel.)

Mr. SCHERER. It is sort of shocking to me to have a man in your position refuse to tell us whether he told the truth when he was under oath.

Mr. McLEISH. I can only say there, Mr. Congressman, that after what I have heard here, I believe in that old saying beware of the Greeks bearing gifts.

Mr. SCHERER. How could it possibly incriminate you to answer my question, unless you committed perjury when you signed that affidavit?

Mr. McLEISH. I wasn't discussing any such thing. I was discussing another question. I gave you the answer to the question. I spoke about Greeks bearing gifts. I didn't say anything about in-crimination at all.

Mr. SCHERER. I understand that but you haven't answered my question.

Mr. McLEISH. Evidently you put a different interpretation on what I say from what I actually said.

Mr. TAVENNER. Were you a member of the Communist Party on the 28th day of September 1950, which was the date of the signature of your non-Communist affidavit?

(The witness conferred with his counsel.)

Mr. McLEISH. Same answer for the same reason, and to save time going over each one in your hand, it is the same answer.

Mr. TAVENNER. Were you a member of the Communist Party on the 24th day of August 1954?

Mr. McLEISH. Same answer.

Mr. TAVENNER. Were you a member of the Communist Party on the first day of September 1953?

Mr. McLEISH. Same answer.

Mr. TAVENNER. Were you a member of the Communist Party on the 8th day of September 1952?

Mr. McLEISH. Same answer.

Mr. TAVENNER. Were you a member of the Communist Party on the 17th day of September 1951?

Mr. McLEISH. Same answer.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. McLEISH. Same answer.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I just have this statement to make, Mr. Chairman: This man was naturalized in February of 1933. I think the evidence in this case warrants, and I will so recommend in executive session that the testimony be referred to the Department of Justice to determine whether or not denaturalization proceedings shall be commenced.

Mr. DOYLE. How old a man were you when you arrived in the United States?

Mr. McLEISH. I was 25 years of age after having served 4¼ years overseas in the Army.

Mr. DOYLE. Which army?

Mr. McLEISH. British Army.

Mr. SCHERER. Were you a member of the Communist Party when you were in the British Army?

Mr. McLEISH. Please don't be ridiculous, Congressman.

Mr. DOYLE. We have heard of such things before.

(The witness conferred with his counsel.)

Mr. McLEISH. I happened to be a kid just out of school, 14½ years of age when I went there.

Mr. SCHERER. If you weren't, why don't you say, "no," then? It is as simple as that, to answer my question, "no" without suggesting that I might be ridiculous.

Mr. McLEISH. I don't intend to be run around in a trap by you, Mr. Congressman. I didn't even know what the word meant in those days.

I was a kid just out of school, 14½ years of age, spent my 15th and my 16th birthday overseas in mudholes.

Mr. DOYLE. You don't regret it, do you?

Mr. McLEISH. I don't regret one minute of it. I am fortunate to be here today.

Mr. SCHERER. The witness made a speech. I asked him a simple question, and I ask that he be directed to answer.

Mr. DOYLE. You can answer that question easily.

Mr. McLEISH. I don't remember what he asked me.

Mr. SCHERER. My question was whether or not he was a member of the Communist Party when he served in the British Army.

(The witness conferred with his counsel.)

Mr. McLEISH. I think Congressman, you are just trying to run me down the road to somewhere where I will run out of answers. I will have to decline to answer your question for exactly the same question, although at that time I was neither under the jurisdiction of the United States nor this congressional committee. My answer is still the same. The answer is that I invoke my privileges.

Mr. DOYLE. May I ask you this question, which brings it more down to date. Were you a member of the Communist Party at the time you landed in the United States?

Mr. McLEISH. I am sorry, Mr. Congressman, I will have to decline to answer that question for the very same reason.

Mr. DOYLE. You don't have to do anything.

Mr. McLEISH. I will, then.

Mr. DOYLE. I wish to state this for refreshment of Mr. McLeish's recollection. I have been reading the official printed copy which you identified as the official proceedings of the Seventh International Convention of the United Electrical, Radio and Machine Workers of America, and which you referred to earlier today. You read your argument on the floor, which started on page 100. There was quite a discussion this morning as to what the issue was. Do you remember that, sir?

Mr. McLEISH. Yes, I remember.

Mr. DOYLE. The issue was pretty clearly one of communism in the UE union of which you were district director, the question of whether or not a resolution should be adopted.

Mr. McLEISH. I am not a district director. I am an elected officer. I am no director.

Mr. DOYLE. At that time you were elected, too.

Mr. McLEISH. Yes, I was no director, either, then.

Mr. DOYLE. I notice that you, as you said this morning, opposed the resolution.

Mr. McLEISH. I favored the resolution.

Mr. DOYLE. That is right, you did very clearly. I notice on page 98, 2 pages before, you favored the resolution, and delegate Rooney made a speech in opposition to the resolution. I just want to read one paragraph of his speech. You and he differed, according to the text.

I quote Delegate Rooney, local 1202. I read his last paragraph:

I say refer this back to the resolutions committee. Tell them to bring out a resolution that will mention all those three isms and let us vote on it, and if you people as delegates want isms, communism, in the leadership in your unions, you can, have it by a vote. But as Americans, I say a man cannot serve two masters.

He will serve the United States and his own local, but not the Communist Party.
[Applause.]

I read that because it makes crystal clear the fact that some of the delegates way back there recognized the issue in the UE at that time was whether or not some of the leaders in the UE would undertake to serve communism ahead of the United States of America and the best interest of their local. You and Delegate Rooney apparently differed.

Mr. McLEISH. Can I say something in reply?

Mr. DOYLE. Yes.

Mr. McLEISH. I would like to say this: That if you read the whole convention through, you will find that the expressions pro and con on every issue before that convention were freely voiced by everyone and no attempt was made to curb anybody. We believe this, Mr. Chairman, and I believe it very sincerely, that we have what is perhaps the most democratic union in the United States, with full voice of everyone, with decisions being reached on majority vote, and as an elected officer of that organization I will, as I said there, abide by the majority decisions, be it with my opinion or against my opinion. That I have tried to do through the years.

Mr. DOYLE. Thank you for your statement. We in this committee yesterday and today, or yesterday at least and in other places, have heard plenty of spoken testimony under oath by former officers of the UE, some of them elected, former Communists, who swore under oath that the Communist Party members of the UE executive committees, and such, held pre-caucuses to determine what the UE union should do when the UE union met. We also have plenty of evidence under oath, you have heard some it yesterday, to the effect that by and large the Communist Party caucuses consisting of some elected officers of the UE and some appointed, determined what would be done in the UE official meetings.

So, sir, you may claim it is democratic control, but we claim it is totalitarian control by known Communists and that is not democracy. That is where you and I differ. This young man, Delegate Rooney, put it squarely up to you and you opposed him when he said, "I say a man cannot serve two masters, he will serve the United States and his own local but not the Communist Party."

You can't serve two masters and you know darn well you can't. You can't be a member of the Communist Party and be a loyal union labor man because they are absolutely inconsistent, one with the other.

Mr. McLEISH. I would like to say, Congressman, that again by inference you pin a label on me.

Mr. DOYLE. You don't have to wear the label if it doesn't belong to you.

Mr. McLEISH. Am I excused?

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Thank you, Counsel, and Mr. McLeish.

(Whereupon the witness was excused.)

Mr. STAVIS. Thank you very much. I would like to call attention of the committee and counsel, since there has been so much discussion on the meaning of the exercise of the plea of the fifth amendment, I just want to refer you to a citation.

Mr. DOYLE. Give it to our legal counsel.

Mr. STAVIS. New Jersey law general—

Mr. TAVENNER. I will get it.

Mr. STAVIS. I want the record to show.

Mr. DOYLE. We don't permit counsel to address the committee. You abide by the rules. If you want us to be familiar with something we are not already familiar with, hand it to our counsel.

Mr. TAVENNER. Mr. Santora.

Mr. DOYLE. Stand and raise your right hand, please. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SANTORA. I do.

Mr. DOYLE. I want to read the rule of the House of Representatives, and this governs our committee, too, with respect to the functions of legal counsel in any House committee investigation whether it is this or any other committee. I am not reading this only to the counsel in the chair, but to all counsels that are in the room.

Tomorrow and the next day I am going to read this rule at the opening of each session because it is a limitation of the functions of legal counsel before any House investigating committee. This rule was adopted March 23, 1955:

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

That is as clear as crystal to all counsels who may appear with witnesses, and naturally, we don't expect nor can we cooperate with legal counsel if any of them should put words into the mouth of a witness in addition to advising them what their constitutional rights would be.

Mr. SCRIBNER. That is a reproach to all counsel. That is unfortunate. Have the rules been amended as of now to permit me to cross-examine a witness who named this person yesterday so we can get at the truth of that matter?

Mr. DOYLE. You know they have not been amended to permit that. You know they have not.

Mr. SCHERER. Might I say at this time, Counsel, your witness here will have the opportunity to deny that testimony.

Mr. SCRIBNER. I didn't quite understand that was the proper procedure in order to support a charge against any person that the witness himself, the person charged, will be the sole person who will be able to give evidence on that. I don't think that is quite the process.

Mr. SCHERER. You know he is a witness and not charged with anything. You understand clearly the procedures.

Mr. SCRIBNER. I would very much have liked to cross-examine the witness who made statements about him.

Mr. SCHERER. Your own witness now has the opportunity to deny that statement. And if he denies that evidence, I will ask the Attorney General of the United States to investigate a possible perjury charge because, obviously, either the witness that testified the other day or this witness then would not be telling the truth.

Mr. SCRIBNER. By that you are trying to impose an entirely new set of laws than judicial process in this country. For hundreds of years we had the contrary process that the witness is innocent until proven guilty.

Mr. SCHERER. You know better than that.

Mr. SCRIBNER. I know what I said. I made a study of it and appeared before this committee for 10 years at least.

Mr. SCHERER. You know better than that. This witness is not accused of anything. He couldn't be sentenced, couldn't be fined.

Mr. SCRIBNER. He could be fired from a job, ostracized from the community.

Mr. DOYLE. We are not going to permit you to take any more time of the committee in argument with the committee, and that is final.

**TESTIMONY OF WILLIAM SANTORA, ACCOMPANIED BY COUNSEL,
DAVID SCRIBNER**

Mr. TAVENNER. State your name, please.

Mr. SANTORA. William Santora.

Mr. TAVENNER. Will counsel please identify himself for the record.

Mr. SCRIBNER. David Scribner, 11 East 51st Street, New York.

Mr. TAVENNER. When and where were you born?

Mr. SANTORA. September 14, 1915, in New York City.

Mr. TAVENNER. Are you now a resident of Newark, N. J.?

Mr. SANTORA. No, sir.

Mr. TAVENNER. Where do you reside?

Mr. SANTORA. I live in a town called Hanover Township, in New Jersey.

Mr. TAVENNER. How far is that from Newark?

Mr. SANTORA. About 15 miles.

Mr. TAVENNER. How long have you lived in the State of New Jersey?

Mr. SANTORA. My parents took me here from New York City when I was 6 months old.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. SANTORA. Public school and high school.

Mr. TAVENNER. What has been your employment since 1935?

Mr. SANTORA. I have been an electronic technician up until 1940, at which time I was retained by my union, the UE, and I have worked for them ever since.

Mr. TAVENNER. Since 1940?

Mr. SANTORA. Since 1940.

Mr. TAVENNER. What has been the nature of your employment by UE since 1940?

Mr. SANTORA. I have been an organizer under the title of field organizer and international representative. I don't understand your question fully.

Mr. TAVENNER. You said you has been employed by the UE since 1940. I wanted to know the title of your position?

Mr. SANTORA. Field organizer and international representative.

Mr. TAVENNER. During what period were you international representative?

Mr. SANTORA. I believe it is for the last 3 years.

Mr. TAVENNER. Are you international representative now?

Mr. SANTORA. Yes, I am.

Mr. TAVENNER. In what district are you now working?

Mr. SANTORA. District 4 of the UE.

Mr. TAVENNER. Have you been an international representative during that entire period in district No. 4, or have you been transferred from place to place?

Mr. SANTORA. I was transferred about 2 years ago to a position in New York City, which geographically is located in district 4, but my assignment covered one particular chain of shops throughout the country.

Mr. TAVENNER. Have you served as international representative of the UE in any district other than district 4?

Mr. SANTORA. No, sir. I will have to qualify that by stating that I may have left our district to go to another city in the United States where I retained the same title but I wasn't assigned to that district.

Mr. TAVENNER. But to engage in the work of your union at those other cities?

Mr. SANTORA. Yes, but those are 1-day trips, 2-day trips, something like that. I was not assigned in any other district.

Mr. TAVENNER. During the rest of the period from 1940 until you were appointed international representative, were you field organizer?

Mr. SANTORA. That is true.

Mr. TAVENNER. In what districts did you serve as field organizer?

Mr. SANTORA. District 4.

Mr. TAVENNER. Was all your service in district 4?

Mr. SANTORA. All of it in district 4.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were a field organizer of the UE or an international representative of the UE?

Mr. SANTORA. I decline to answer that based upon privilege granted me under the fifth amendment of the United States Constitution.

Mr. TAVENNER. Have you attended meetings of the Communist Party made up chiefly of persons who were members of the UE?

Mr. SANTORA. Decline based on the same reason I gave to the previous question.

Mr. TAVENNER. Will you tell the committee, please, the names of other persons who were field organizers of the UE in this area while you were serving in that capacity?

(The witness conferred with his counsel.)

Mr. SANTORA. Archer Cole was field organizer while I was field organizer.

Mr. TAVENNER. Were there others?

(The witness conferred with his counsel.)

Mr. SANTORA. I am trying to distinguish between the period I was field organizer or international representative.

Mr. TAVENNER. I was going to draw that distinction.

Mr. SANTORA. That will have to be before 2 or 3 years ago.

Mr. TAVENNER. Let's speak of the period when you were international representative.

Mr. SANTORA. That brings it to a recent date.

Mr. TAVENNER. Yes, from what year to the present?

Mr. SANTORA. To the best of my knowledge it is around 1952 or 1953, in between that period, around that time.

Ted Smorodin was a field organizer at that time while I was there.

Mr. TAVENNER. Are you speaking now of the period when you were organizer or the period while you were international representative?

Mr. SANTORA. You just directed me to say in the period while I was international representative.

Mr. TAVENNER. That is what I said, but by your answer I thought you were speaking of the other period.

Mr. SANTORA. No. Ethel Carpenter was a field organizer. Tony Rodriguez was a field organizer. Milton Felsen was an organizer.

Mr. TAVENNER. Will you give the spelling of the last name?

Mr. SANTORA. F-e-l-s-e-n.

Dominick San Giovanni. S-a-n G-i-o-v-a-n-n-i.

That is all I recall at the moment. There may be more. There have been changes that have come in and gone out. I haven't kept track.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. Your counsel referred to the testimony of Steve Rudich when you first started testifying. Were you in the room yesterday when Steve Rudich testified?

Mr. SANTORA. No, sir. I couldn't get in. I stood in line 4 hours.

Mr. SCHERER. Steve Rudich identified you as a member of the Communist Party. Was Steve Rudich's testimony true before this committee?

Mr. SANTORA. I decline to answer that based on the privilege granted me under the fifth amendment.

Mr. SCHERER. The fact is that he was telling the truth when he told this committee you were a long-standing member of the Communist Party; isn't that right?

Mr. SANTORA. Congressman, you draw your own conclusions, but don't draw mine. I gave you my answer. I decline to answer based on the privilege granted me under the fifth amendment.

Mr. SCHERER. You were the organizer of the demonstration that took place in front of the Treat Hotel last night; were you not?

Mr. SANTORA. That is not a statement of fact.

Mr. SCHERER. It isn't?

Mr. SANTORA. No, sir.

Mr. SCHERER. Were you one of the organizers?

Mr. SANTORA. I was present, I assisted there.

Mr. SCHERER. Did you tell any representative of the press that you were the organizer of the demonstration?

Mr. SANTORA. No, sir; I did not.

Mr. SCHERER. Were you one of the leaders, then?

Mr. SANTORA. I assisted in that demonstration.

Mr. SCHERER. Who else assisted?

Mr. SCRIBNER. Do you seriously think this is relevant to the inquiry?

Mr. SCHERER. I want to find out where funds came from.

Mr. SCRIBNER. That is right of redress of grievances. You said that this morning, I was pleased to hear you.

Mr. SCHERER. You know the rules of the committee.

Mr. SCRIBNER. I am sorry. It overwhelms me. I can't be a lawyer here. I will abide by that.

Mr. SCHERER. You understand very well we have a right to find out whether the source of those funds was the Communist Party. Do you know where the funds came from that provided for the demonstration?

(The witness conferred with his counsel.)

Mr. SANTORA. What funds are you referring to, sir?

Mr. SCHERER. The funds that paid for the bringing of these people down from New York in buses.

Mr. SANTORA. I can't swear that I know exactly but I would assume the membership of our union being very disgusted with this committee took it upon themselves to spend some money to protest the kind of activity this committee conducts in city after city in the United States.

Mr. SCHERER. Did the funds come—

Mr. SANTORA. Just a moment and I will answer the question. I think they resent the slurs that this committee has made against the American people, against the foreign born and against the labor movement. I feel also they have a right to protest. I am very proud of the way they did protest.

Mr. SCHERER. Did the funds come from the union or did they come from the party?

Mr. SANTORA. That is a stupid question.

Mr. DOYLE. Don't you be stupid. Answer the question honestly. (The witness conferred with his counsel.)

Mr. SANTORA. I can't swear that I saw where the funds came from. I can only assume that local by local they spent money for a bus, for a sign, for whatever expenses were involved.

Mr. SCHERER. Where did these people come from?

Mr. SANTORA. I can give you to the best of my knowledge where some of them came from.

Mr. SCHERER. That is all I want.

Mr. SANTORA. Some came from Trenton, some from Phillipsburg, some from Long Island, some from New York City, some come from Orange, some from West Orange, East Orange, Newark, various cities in this area.

Mr. SCHERER. Were there any other individuals other than your UE people in the line?

Mr. SANTORA. To my knowledge all I know were UE people.

Mr. SCHERER. Where were the signs printed?

Mr. SANTORA. I do not know.

Mr. SCHERER. You don't know who paid for the signs?

Mr. SANTORA. I can't say. I don't know. I think each local paid for their own signs. I looked at the placards and they had local numbers on them.

Mr. SCHERER. Who was the head of the organizing movement for the demonstration?

Mr. SANTORA. I don't know that there is a head as such.

Mr. SCHERER. The arrangements were made before this committee came to town, were they not?

Mr. SANTORA. I would assume that some arrangements were made.

Mr. SCHERER. Was it before or after you got your subpoena?

Mr. SANTORA. I really don't have any knowledge on that. I think it was before.

Mr. SCHERER. When were you subpoenaed?

Mr. SANTORA. I think I was subpoenaed 2 weeks ago. I may be wrong by a day or two.

Mr. SCHERER. Isn't it a fact that each and every one of the leaders of that demonstration were members of the Communist conspiracy?

I am not saying the rank and file that participated in the demonstration, but I am saying the leaders who organized the demonstration.

Mr. SANTORA. I decline to answer that based on the privileges granted me in the fifth amendment.

Mr. SCHERER. I thought your answer would be that.

Mr. DOYLE. You are excused.

(Whereupon the witness was excused.)

Mr. TAVENNER. Mr. Archer Cole, please.

Mr. DOYLE. Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COLE. I do.

TESTIMONY OF ARCHER COLE, ACCOMPANIED BY COUNSEL, DAVID SCRIBNER

Mr. TAVENNER. What is your name, please?

Mr. COLE. Archer Cole.

Mr. TAVENNER. It is noted that the same counsel is present with this witness as with the former witness.

When and where were you born, Mr. Cole?

Mr. COLE. Born in New York City on November 26, 1917.

Mr. TAVENNER. Do you now reside in the State of New Jersey?

Mr. COLE. I do.

Mr. TAVENNER. How long have you lived in New Jersey?

Mr. COLE. Last 10 years.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. COLE. I went through the public and high schools and College of the City of New York.

Mr. TAVENNER. When did you complete your work at the College of the City of New York?

Mr. COLE. 1938 and 1939.

Mr. TAVENNER. Upon the completion of your college work, what employment did you take?

Mr. COLE. Well, I worked for Western Union, I worked in a restaurant, I worked for the United States Government General Accounting Office, and I have worked the last twelve and a half years for UE.

Mr. TAVENNER. Were you in the military service?

Mr. COLE. No, I was not. I was turned down.

Mr. TAVENNER. Did your employment begin along about 1942 or 1943 for the UE?

Mr. COLE. Yes, that is right.

Mr. TAVENNER. Had you had any organizational experience in the union before you became employed by the UE?

Mr. COLE. Yes, I had.

Mr. TAVENNER. What was the nature of that experience?

Mr. COLE. While employed for Western Union I was shop steward in my shop or office, as we called it there. While employed for the United States Government I was vice president of my local of the CIO in Washington, D. C.

Mr. SCHERER. In what capacity were you employed by the United States Government?

Mr. COLE. I was an auditor for the United States General Accounting office.

Mr. SCHERER. When?

Mr. COLE. 1942 and 1943.

Mr. TAVENNER. Did you file Government form 57 with the Government at the time you were employed in 1942?

Mr. COLE. I don't know what the form is and I don't recall.

Mr. SCHERER. It is the form you file when making application for employment.

Mr. COLE. I took a civil-service examination and passed, and I was duly informed to come down to Washington for a job.

Mr. SCHERER. You may not remember but even though you take a civil-service examination you file a form 57 which is an application for employment in which you set forth your history.

Mr. TAVENNER. After completion of your employment there, did you then come to Newark, N. J.?

Mr. COLE. I came, yes, I came to this district 4 to work as a field organizer at the time.

Mr. TAVENNER. Were you employed while you were still in Washington to come here and engage in work as an organizer?

Mr. COLE. I was employed by the national office after making application from Washington, D. C. I sent my application in to New York, I was called in, and I was interviewed and then put on the staff. At that time they told me temporary.

Mr. TAVENNER. During the time that you have been a field organizer of the UE, have you been aware of the membership of other UE organizers in the Communist Party?

Mr. COLE. I am going to decline to answer that question on the grounds of my constitutional right not to testify against myself, and I certainly wouldn't put the finger on anybody else. I don't believe that that is my duty here before this committee. To put the finger on anybody else.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were employed by the UE?

Mr. COLE. I am glad you asked me that because I am going to decline to answer it, and what I would answer for myself I will answer for others as well.

Mr. TAVENNER. Were you a member of the Communist Party while you were working for the United States Government in Washington?

Mr. COLE. I am going to decline to answer that question for the same reason. I might state in answering these questions that I have read where the chairman of this committee, not the present one, but Mr. Walter has said that it was his job to break this union, and I have heard the chairman of the committee sitting in these hearings urge people to get out of our union and to leave our union. And I don't expect to cooperate with this committee with their purpose of breaking my union.

Mr. DOYLE. Just a minute, Cole, you have never heard me urge people to get out of the UE. You are mistaken.

Mr. COLE. You said you thought they should leave this union.

Mr. DOYLE. I have urged UE people to get out of the Communist Party, and I want to urge you to get out of the Communist Party, too.

Mr. COLE. Will you deny Mr. Walter said in Washington, D. C.—

Mr. DOYLE. Mr. Walter can take care of himself.

Mr. COLE. He certainly said he was out to break the UE and any Congressman who has that as his intention and that heads a United States committee is not going to receive cooperation from me in regard to other people or myself, so he can frame me as well.

Mr. DOYLE. Were you here yesterday morning when I read my opening statement?

Mr. COLE. Yes; I heard many things that you said yesterday.

Mr. DOYLE. You heard me say that it did not make any difference what union it was or where the Communist was, our job under Public Law 601 was to investigate and expose. You didn't hear me say the other things.

I want to make it clear to you again, young man, it doesn't make any difference whether it is UE or EU, if we have substantial evidence that any labor union or any organization, no matter where it is, is controlled and dominated by the Communist conspiracy, we are going to follow along under our official duties under Public Law 601 and try to eradicate it. I hope that is clear to you.

(The witness conferred with his counsel.)

Mr. DOYLE. I am very proud of the fact that always in my several campaigns for reelection to Congress I am supported openly by the A. F. of L. and CIO. I have never been a union member nor attorney for a labor union but I always have—and you know it—strongly supported in legislation and every other way the principle of collective bargaining because I believe in it as fundamental and necessary, but just as I told McLeish, you can't serve two masters. You either serve your own United States and best interests of your own local union, or you serve the Communist Party. I want to be perfectly frank with you.

Based on the evidence we have received here and elsewhere, we have reason to believe that by and large in too many areas your UE is presently controlled, was controlled, and has been for several years by members of the Communist Party.

Mr. COLE. Controlled only by our membership and convention decisions, and we happen to have the most democratic union in the United States today. We will stand on our record and I want to say further, if I may, that the record of this union in fighting for wage increases and bringing up the standards of living of American workers, outlawing discrimination in our shops, and of fighting for equal rights for women in our plants, I think we should get a medal for Americanism for the type of campaign we have conducted. I honestly feel that from the bottom of my heart.

Mr. DOYLE. Unless a considerable number of former employees and trusted employees of the UE were lying under oath, a great many of the decisions were decided in Communist Party caucuses.

Mr. COLE. I haven't heard a word stated here there was any strikes called or anything else. All somebody talked about was some literature sold. We have a record in this particular district of winning the best settlements, of wage increases, and other gains for our people. That is on behalf of, in the interest of our people. That is Americanism to me, to build the standards of living of the American people, and that is where I have devoted my entire adult life to. I happen to have four children as well, and I hope to be able to provide for them and to see that they grow up in a better country here, no depressions as when I was raised.

Mr. DOYLE. I want to compliment you on any conscientious patriotic party work for raising the standards of the American people.

Mr. COLE. I accept that compliment.

Mr. DOYLE. Of course I do not compliment you on the record that I have of your activity in the Communist Party. You know very well that we men never come into a community until there has been a pretty thorough investigation and we know pretty much about most people who appear before us, and we wouldn't be bothering you—

Mr. COLE. You are bothering me, believe me.

Mr. DOYLE. We want to see if we can get you to tell the truth about your Communist Party affiliation.

Mr. COLE. Ask me any question about our union and I will give a straight answer and records of this union in the district I have served, anything which will attempt to smear our union I will be no party of, I will tell you right now.

Mr. DOYLE. You volunteered you would tell us anything about your union.

Mr. COLE. Our program, what we devote a hundred percent of our time to.

Mr. DOYLE. Is it a fact or is it not a fact that you have attended Communist Party caucuses before your regular UE union meetings at which the line of the labor union of the UE union was determined by Communist Party members?

Mr. COLE. I am going to decline to answer that because I think it is meant to trap me here, not to discuss the work I do on behalf of this union.

Mr. DOYLE. No, because these Communist Party members according to our evidence and information and belief, are all members of the union.

Mr. COLE. Why don't you ask me about the wage settlements I have made this year? I think that is pertinent to this inquiry.

Mr. DOYLE. I have been very generous and I know a lot of your people have been glad to hear your statement. I am happy to have given you the opportunity to speak of the good work you have done.

Mr. COLE. Not only I, the whole union. I am speaking on behalf of this union.

Mr. DOYLE. Let's proceed, Mr. Tavenner. I think this young man should know that I am one Member of Congress who filed a bill to increase the minimum wage law to \$1.25. I am not unsympathetic with raising the standards of living.

Mr. COLE. I wish this committee would endorse the \$1.25 in Newark. That would prevent these shops from running out of Newark. Do you know what is happening in the shops around here? These plants are leaving like flies and you are here investigating us. You investigate those companies moving out.

Mr. DOYLE. We have to proceed with our regular order. I ask you to cooperate.

Mr. COLE. I will cooperate.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. What name have you used other than Archer Cole?

Mr. COLE. In 1942 by court order I was permitted to use this name. I was born Archer Cohen in 1917.

Mr. SCHERER. Is that the only other name you have used?

Mr. COLE. That is the only other name. I don't know how that is pertinent, but of course you had to get that in. I wish you would ask me the reason why.

Mr. SCHERER. I won't ask you the reason why. There are 3 individuals who have identified you as a member of the Communist Party. Were their identifications correct?

Mr. COLE. I am going to decline to answer on the grounds that I have the privilege of not answering, and that this is part of the same smear against my union, against myself, rather than to get into the true Americanism and true job this union has done all the time.

Mr. SCHERER. An attack has been made upon the chairman of this committee, Francis Walter of Pennsylvania. He happens to sit on the other side of the aisle in Congress from me, but what he has said has been misrepresented. He did say that he was going to break the Communist domination of the UE. He didn't say he was going to break the UE.

Mr. COLE. Mr. Scherer, I just participated in an NLRB election in eastern Pennsylvania which is Mr. Walter's own constituency, and he subpoenaed two of our people right before the election in order to embarrass UE. He told the people there he hoped the UE lost. And we won the election by 7 to 1 vote over CIO and 4 to 1 vote over the AFL despite his interference in that election, and the people who knew Walter best in Easton voted for UE.

I have a recent personal experience against Mr. Walter and I have heard some of his bigotry.

Mr. DOYLE. Evidently you feel pretty smart about it.

Mr. COLE. I don't feel smart, I feel very strongly about it.

Mr. SCHERER. Do you think the chairman of the Committee on Un-American Activities was wrong if he sought to break the Communist domination of any group in this country?

Mr. COLE. He was dead wrong to interfere in an NLRB election.

Mr. SCHERER. That wasn't my question.

Mr. COLE. That is what he was attempting to do. Never mind what he said, words are cheap, you know.

Mr. DOYLE. That is a fair question.

Mr. COLE. I don't know about that.

Mr. SCHERER. I ask you whether or not it would be proper for the chairman of the Committee on Un-American Activities of the Congress to attempt to break the Communist domination of any group whether it be labor union, whether it be an entertainment group, or any other organization on the American scene.

Mr. COLE. Well, we have an amendment in our Constitution called the first amendment which guarantees people the right to their political beliefs, even if they happen to be unpopular. When you get into the area of Communist domination you are treading on that and you know it, and I am going to decline to answer on the grounds that you attempt to make me testify here against myself. I want to say this question of Communist domination is so vague and it is used to smear so many people, that I can't accept that as a barometer of what Mr. Walter means. I accept what he tried to do in the strike in 1950 in Ingersoll Rand.

Mr. DOYLE. Just a minute, Cole, please. Of course you have a duty to do in your union. We have a duty as American Congressmen under

Public Law 601 to investigate the extent of Communist subversive activities, even in the UE, if there is any.

Mr. COLE. I don't think there is any. I don't believe that. I believe that is a red herring. You can't call an organization subversive which has programs to improve the conditions of American workers and I want to say, if you let me finish the sentence, if they will adopt the program of UE they don't have to worry about any isms, the best program of the UE is Americanism, better wages, higher standard of living, no discrimination, better housing, adopt that and you don't have to worry about this country and what any one else will try to do to it.

I sincerely hope you will endorse this program I am talking about.

Mr. SCHERER. Why do you support communism?

Mr. COLE. I haven't said anything about that here.

Mr. SCHERER. Do you deny that you do?

Mr. COLE. I say one thing in relation to communism or any other question which is not pertinent to my union here. I am going—and because I think you are trying to smear our union here—I am going to use my privilege not to answer that question. I will talk about Americanism or what this union has done.

Mr. DOYLE. As long as you have raised the question, do you feel that the Communist Party objectives in this country are beneficial to the working people of this country?

Mr. COLE. I haven't raised the question of the Communist Party. I have raised the question of you, pure and simple.

Mr. DOYLE. You said it wasn't pertinent.

Mr. COLE. Not pertinent to my being here today in connection with this union.

Mr. DOYLE. And it is pertinent to the control of any organized labor group? Isn't the question of communism pertinent?

Mr. COLE. Membership controls this union. I want to pose one point that will be interesting to you as a lawyer. How could you set out to dominate a union as we are charged with, and have the most democratic constitution in the United States patterned word for word after the United States Constitution? If you were out to dominate something you would make sure you controlled.

Mr. DOYLE. Evidently the Communist Party has made very sure that it controls certain labor groups in this country, and if we are to believe former employees of the UE under oath, the Communist Party evidently controls the activities possibly of present leaders in the UE.

Mr. COLE. It is funny how those former employees always turn up on the payroll of a rival union. I can't understand that. That is what we have here, even yesterday. Where one of the persons praised by yourself as a qualified witness, it is never brought into the testimony, Mr. Pollock was on the payroll of our rival union for almost a year. If he does not have an ax to grind against us I don't know who does.

Mr. SCHERER. Was anything he testified to untrue?

Mr. COLE. I am not going to get involved in this kind of testimony on the grounds of the fifth amendment.

Mr. SCHERER. I did not think you would.

Mr. COLE. That man has an ax to grind against this union.

Mr. SCHERER. Assume he had an ax to grind. Did he tell an untruth to this committee?

Mr. COLE. I wasn't listening that carefully.

Mr. SCHERER. You don't know how sharp his ax was, then.

Mr. COLE. I know why he was here and I know why he was on the payroll of a rival union for the last year.

Mr. SCHERER. He was an expert American workman, wasn't he, and you would not begrudge any high-class American mechanic making a good wage.

Mr. COLE. If I have to judge his workmanship by his abilities as a union leader, I wouldn't rate him at that.

Mr. SCHERER. The question is whether or not, no matter what the man is doing or what ax he has to grind—

Mr. COLE. I wish my attorney could cross-examine him.

Mr. SCHERER. Wait a minute. You have been raising your voice all over this place.

Mr. COLE. I feel strongly.

Mr. SCHERER. If you sat up here you would feel strongly, too. We listen to these Communists shouting all over the country.

Mr. COLE. It is the first time I have had the pleasure.

Mr. SCHERER. It makes no difference whether Pollock is employed by another union or has an ax to grind, the sole question is, Did he testify truthfully under oath about the Communist domination of the UE? Did he testify truthfully when he identified certain leaders of the UE today as members of the Communist Party at this date? That is the sole issue. I am giving you the opportunity to say whether that man lied. If you testify that he did not tell the truth, we then have no alternative except to turn it over to the Department of Justice and find out who did tell the truth, because if Pollock lied we certainly wouldn't defend him. Then he should be prosecuted for perjury if he lied under oath. If you or anybody else wants to come forward and say he lied in this respect or he lied in that respect, we will do our duty and refer the testimony to the proper agency. But you won't say here today, young man, that he lied and you are given that opportunity.

Mr. COLE. You made a speech. I don't know what the question is.

Mr. DOYLE. Mr. Cole, you were here all day yesterday, were you not?

Mr. COLE. Yes, I was in and out.

Mr. DOYLE. I noticed you were listening quite intently.

Mr. COLE. He spoke so low I had to listen intently and I missed quite a bit of what he said.

Mr. DOYLE. In other words, you were listening carefully, were you not?

Mr. COLE. Yes, but I couldn't hear a lot he said, honestly.

Mr. DOYLE. I thought you were listening carefully, but a minute ago you said you weren't listening that carefully.

Mr. COLE. What I meant to say was I didn't catch a lot of what he said.

Mr. DOYLE. Can you tell me, please, just one statement that he made that you did catch when you were listening intently and carefully that was untrue, just one?

Mr. COLE. I will say this: That if my lawyer had an opportunity to cross-examine him he would be punched full of holes. He couldn't stand up.

Mr. DOYLE. You punch just one hole in Pollock's testimony and make it as big as you can.

Mr. COLE. I am not going to get into that, as I said before, and I am going to use my privilege on that. However, in many, many open debates I have been able to punch Ernie Pollock full of holes.

Mr. DOYLE. Evidently you don't love him.

Mr. COLE. I don't love him.

Mr. SCHERER. In those open debates you are not under oath.

Mr. COLE. He has a sympathetic committee on his side, a friendly witness, and as you said you have something on me even before I walk in and you expect me to make this an open forum for a discussion between me and Pollock.

Mr. DOYLE. We expect you to make this an open forum to tell the truth, if you are not ashamed of the truth.

Mr. COLE. I am never ashamed of the truth.

Mr. DOYLE. We are not afraid of the facts and truth and don't expect any patriotic American to be afraid of the truth.

Mr. COLE. I won't degrade my patriotism to anybody else. I am as patriotic as the next one and I will do everything in my power to put this union's programs across so we have a better American standard of living. That is my one objective as working for this union. I wouldn't work for it if I didn't think that it was the true objective of this union, believe me. I have four children and I hope to see them grow up and be able to get decent jobs and so on. I want to see a better standard of living than I had to go through during the depression. That is what I am devoting all my work to.

Mr. DOYLE. I compliment you on raising a family and I hope none of your children grow up and are taught or allowed to believe, directly or indirectly, that our country is what was referred to by one of your UE officials as a tyranny.

Mr. COLE. It was not one of our UE officials.

Mr. DOYLE. Wasn't he?

Mr. COLE. Certainly was not.

Mr. DOYLE. I thought he was.

Mr. COLE. Please take that off the record. I don't associate myself with that remark.

Mr. DOYLE. I withdraw that.

Mr. TAVENNER. He was a member of the Civil Rights Congress.

Mr. DOYLE. You don't claim the United States Government is a tyranny?

Mr. COLE. I do not.

Mr. DOYLE. I compliment you on that, certainly.

Any other questions?

Mr. TAVENNER. No, sir.

(Whereupon the witness was excused.)

Mr. DOYLE. We will recess for 5 minutes.

(Brief recess.)

Mr. DOYLE. Let the committee come to order, please.

Let the record show that both members of the subcommittee are present, and a legal quorum is present.

I will swear the witness. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BURDICK. I do.

Mr. DOYLE. You may proceed, Mr. Counsel.

TESTIMONY OF ABRAHAM ALAN BURDICK, ACCOMPANIED BY
COUNSEL, MORTON STAVIS

Mr. TAVENNER. State your name, please.

Mr. BURDICK. Abraham Alan Burdick.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. BURDICK. I am.

Mr. TAVENNER. Will counsel please identify himself for the record.

Mr. STAVIS. Morton Stavis, 744 Broad Street, Newark.

Mr. TAVENNER. When and where were you born, Mr. Burdick?

Mr. BURDICK. I was born August 22, 1911, in the city of Brooklyn, N. Y.

Mr. TAVENNER. Do you now reside in the vicinity of Newark, N. J.?

Mr. BURDICK. I reside in Weehawken, N. J.

Mr. TAVENNER. How far is that from the city of Newark?

Mr. BURDICK. About 10 or 12 miles.

Mr. TAVENNER. How long have you lived in the State of New Jersey?

Mr. BURDICK. I have been here since 1943.

Mr. TAVENNER. Have you resided continuously in New Jersey since 1943?

Mr. BURDICK. I have.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. BURDICK. Public school, high school, and a smattering of college, almost completed one semester.

Mr. TAVENNER. What was your employment before coming to the State of New Jersey?

Mr. BURDICK. I worked for local 1225 in New York as a business agent.

Mr. TAVENNER. Local 1225 of what union?

Mr. BURDICK. United Electrical, Radio and Machine Workers of America.

Mr. TAVENNER. How long had you been so employed?

Mr. BURDICK. I had been so employed continuously since 1936 but with some previous employment for the labor unions prior to that.

Mr. TAVENNER. During all that period of time was that area within district 4?

Mr. BURDICK. It was.

Mr. TAVENNER. You apparently have been an organizer in the United Electrical, Radio and Machine Workers ever since it has existed by that name?

Mr. BURDICK. That is true.

Mr. TAVENNER. What position do you hold now?

Mr. BURDICK. I am self-employed. I am no longer with the UE.

Mr. TAVENNER. When was your position with UE terminated?

Mr. BURDICK. As of February 15, 1955.

Mr. TAVENNER. Are you acquainted with Mr. Ernst Pollock?

Mr. BURDICK. Yes, I was.

Mr. TAVENNER. Was he also an organizer of the UE?

Mr. BURDICK. He was business manager of local 437.

Mr. TAVENNER. He testified during this hearing that you and he went to an attorney's office together according to my recollection, and that the two of you signed resignations from the Communist Party at

the same time, that Western Union messenger was obtained and asked to deliver the resignations to Communist Party headquarters.

Was he testifying truthfully insofar as it referred to your resigning from the Communist Party?

Mr. BURDICK. I must assert my right under the Constitution not to testify against myself.

Mr. TAVENNER. Are you required in the position that you now hold or did hold when you left the UE, to file a non-Communist affidavit under the Taft-Hartley act?

Mr. BURDICK. I did, and I did sign such an affidavit.

Mr. TAVENNER. Do you recall the first one that you signed, what year it was?

Mr. BURDICK. I signed 4 of them or 5 of them. Consequently, I believe four of them; but I am not too certain. The last one was in March 1954. I didn't sign this year, not being an officer of the union any more.

Mr. TAVENNER. Then that would make five if you began in 1950.

(The witness conferred with his counsel)

Mr. TAVENNER. I hand you these photostatic copies of the affidavit and will you state whether or not they are the affidavits which you executed as indicated by you

(The witness conferred with his counsel)

Mr. BURDICK. These appear to be the affidavits that are signed by myself.

Mr. TAVENNER. What is the date of the first?

Mr. BURDICK. The first one is January 6, 1950.

Mr. TAVENNER. Does any other occurrence come to your mind in which you were involved on the 6th day of January 1950, the day you executed that non-Communist affidavit?

Mr. BURDICK. It is a long time ago and I don't remember what happened last week.

Mr. TAVENNER. Let me see if I can refresh your recollection. We put in evidence here yesterday a receipt signed by Louis Malinow. Here is a receipt which was introduced in testimony yesterday dated January 6, 1950, the same date as the date of your first non-Communist affidavit. This receipt was signed by Louis Malinow who at that time was secretary of the Communist Party in Newark. The receipt reads as follows:

I hereby acknowledge receipt of the letters delivered by Western Union special messenger signed by Ernst Pollock and Alan Burdick reading as follows:

And here is the copy of the letter:

JANUARY 6, 1950.

COMMUNIST PARTY,
38 Park Place, Newark, N. J.

Gentlemen, in view of the fact that there is frequently so much confusion and loose talk about so much matters and in order to avoid any possibility of confusion as to myself, this is to advise you that as of this date I am not a member of your organization.

Very truly yours.

One copy of the letter having been signed by Mr. Pollock and according to Mr. Pollock's testimony, an additional letter signed by you and, as I say, receipt acknowledged by the secretary of the Communist Party.

Does that refresh your recollection now about the other occurrence that took place on January 6, besides the signing of your non-Communist affidavit?

(The witness conferred with his counsel.)

Mr. BURDICK. I must assert my privilege not to testify against myself.

Mr. TAVENNER. As a matter of fact, Mr. Burdick, wasn't this whole thing done with the idea of getting something tangible from the Communist Party which you could put in your pocket, so that after January 6, 1950, should the Government attempt to prosecute you for perjury in the signing of that affidavit stating you were not a member of the Communist Party, you would have some evidence in defense? Isn't that right?

Mr. BURDICK. I assert my privilege again.

Mr. TAVENNER. Isn't it also true that that was just a device on your part to attempt to comply with the Taft-Hartley Act when as a matter of fact you remained a Communist as much after that date as you were the day before?

Mr. BURDICK. I assert the privilege again based upon my right not to testify against myself.

Mr. SCHERER. It is the usual subterfuge used to get around responsibility for signing a non-Communist affidavit under the Taft-Hartley Law. Resign in the morning and sign the affidavit in the afternoon, and rejoin the next morning.

Mr. DOYLE. This is signed before an attorney. Do you recall the time of day you went to sign this before the attorney, approximately? Was it morning, or afternoon?

Mr. BURDICK. I assert my right under the Constitution not to testify against myself.

Mr. DOYLE. You have identified your signature on these different affidavits. I suppose the notary record would show what time you were there. Do you remember the time of day you sent that purported resignation to the Community Party?

Mr. BURDICK. Same answer.

Mr. DOYLE. Wasn't it the same day?

Mr. BURDICK. Well, same answer.

Mr. DOYLE. You cannot deny the dates because you have identified them.

Mr. BURDICK. I reserve the privilege. I assert it.

Mr. DOYLE. It is one of the privileges we have in this country that they don't have in some others that the Communist Party supports primarily. Thank God you are under the Stars and Stripes instead of under Soviet communism.

Mr. BURDICK. We want to keep them flying and don't want the Swastika flying up there in whatever form, whether under American form of fascism or anything else. We want those Stars and Stripes to fly there and want to have the right to speak our minds when we have something to say without having fear of coming before a committee like this.

Mr. DOYLE. You are not afraid of this committee.

Mr. BURDICK. I surely am.

Mr. DOYLE. You don't act like it.

Mr. BURDICK. Don't you think I am not.

Mr. SCHERER. I think the record should show the witness made the last statement in a loud and contemptuous and boisterous voice.

Mr. BURDICK. I apologize. I gave vent to feelings which I feel very strongly.

Mr. DOYLE. Let me see if I understand this situation, Mr. Tavenner. Mr. Burdick did not perform a useless act apparently because he is a very able and mature gentleman, but he did sign a resignation to the Communist Party on January 6, 1950.

Mr. TAVENNER. Mr. Chairman, I would like to say a so-called resignation, in light of the character of the language used. It might be interpreted as almost anything or nothing.

Mr. DOYLE. At any rate, the intention apparently was to make believe that he resigned from whatever Communist group he was in.

Mr. BURDICK. I am sorry you are characterizing it. I am sorry you are putting words into my mouth. I am asserting my right under the Constitution not to testify against myself. It has never been determined yet as to the facts that you have indicated.

Mr. DOYLE. You don't perform useless acts so I assume you were a member of the Communist Party or you wouldn't have resigned from it.

Mr. TAVENNER. There was a letter addressed to the Communist Party.

Mr. DOYLE. Yes, a letter addressed to the Communist Party and a receipt by a known Communist officer of the outfit, and you were in such a hurry to get it there before you signed this affidavit on the Taft-Hartley bill that you sent it by Western Union messenger.

I think any reasonable American mature person would make that conclusion.

I ask you frankly, am I in error?

Mr. BURDICK. I assert my right not to testify against myself.

Mr. DOYLE. I am giving you the opportunity to know what I conclude.

Mr. BURDICK. Thank you very much.

Mr. DOYLE. I heard many times that certain officers of UE and maybe some other unions tried to make a joke of the Federal statute requiring them to file affidavits as to whether or not they were Communist Party members and also union officers at the same time, and here is a case where I think a joke was made out of it. It seems to me there was a deliberate attempt to evade the requirements of the Federal statute.

I can't conclude any other way after practicing law 30 years before I first went to Congress. It is as plain as the nose on your face that that is what you did.

Mr. TAVENNER. I want to point out this language in the letter which the secretary of the Communist Party acknowledged receipt of. "This is to advise you that as of this date I am not a member of your organization."

Were you a member of the Communist Party on the following day?

Mr. BURDICK. I assert my right under the Constitution not to testify against myself.

Mr. TAVENNER. We have had the unusual situation of persons coming before this committee and saying that on the day they were testifying they were not members of the Communist Party but refusing to say whether they were or not the day before.

I am wondering if the proper interpretation of that letter is that on the day which you actually signed this affidavit you were not to be considered a member of the Communist Party. The letter carefully avoids saying "I resign from the Communist Party." It says, "I am not a member of it as of this date." Have you any explanation to make of that?

Mr. BURDICK. I assert my rights not to testify against myself.

Mr. DOYLE. Mr. Tavenner, I want the gentleman to understand the way I consider it as chairman of this committee. It is part of the Communist Party conspiracy to evade the legal requirements of a Federal statute in connection with the Taft-Hartley law. I don't think you ever resigned from the Communist Party as of that date. Maybe you have since, but you certainly did not resign under that. It is as plain as the nose on your face that it is part of the design of the Communist Party. That is the way I construe it, Mr. Witness. I don't want to be unjust, but that is my construction.

Mr. BURDICK. Your construction is your own and you are entitled to it, whatever you call it, and I am entitled to my own opinion, and let's have yours and let me have mine on every subject, not just this one.

Mr. DOYLE. I will not go that far with you.

Mr. BURDICK. You better, because if you don't I think you will find that the American people will not long tolerate intervention with their civil liberties and their civil rights and right to think as they see fit, speak up and not be under fear of saying something wrong. I get the feeling here you are trying to trick me into something, say some wrong word and you go to jail.

Mr. DOYLE. We are not trying to trick you on anything, just get the truth, and that is where you and I would part company.

Mr. BURDICK. We may have a difference as to what truth is.

Mr. DOYLE. I will fight for your right to think what you want to think and be what you want to be, and say what you want to say, provided you do it within the four corners of the United States Constitution.

Mr. BURDICK. The previous witness mentioned a number of truths, and I can't talk as loudly as he can. If you permit me I would like to tell you a number of truths. You asked me a question before as to when I became an organizer for this union. At the time the UE first started. As a matter of fact, I was an organizer for this union long before UE first started; under the Steel and Metal Workers Industrial Union before the UE was born.

In the interests of fair play and Americanism, let me make a statement. I am being pilloried, crucified, and don't think it isn't hurting me and my name. I saw workers earning \$6 a week in the shop I worked in, and through the efforts of people like Matles, who was there at that time, people like Jim Lustig, some of the officers who were there and who are now trying to chase them out of the country, these men actually fought to increase the living standards of the American people. I have seen them build it like a mason would build a brick at a time to a point where today the American worker has probably the best living standards of the world, as a result of what these men have done. There are martyrs and I feel like a martyr, myself.

Incidentally, I have seen them fight for unemployment insurance at the time everybody called it Communistic, for social security when everybody called it Communistic, and it is accepted by the American people as our way of life. I have seen them fight for hospitalization, for holidays with pay, vacation with pay. Today a company advertises "Come to our shop, we have all these things." We had to win them from them 1 inch at a time.

Mr. DOYLE. Thousands did the same thing.

Mr. BURDICK. These men were right at the door front and laying down their lives for it and today even some of the people they helped are kicking them around.

Mr. TAVENNER. At the time you became a member of the Steel and Metal Workers Industrial League was it one of the affiliates of the Trade Union Unity League?

Mr. BURDICK. I became a member of the steelworkers when just about the time it began a series of affiliations with some machinist groups, we affiliated with the International Association of Machinists, AFL, and it was independent, it was a whole series of little unions all over the place that got together and formed an industrial union and were the forerunners of the CIO, as a matter of fact.

I would say the UE was the forerunner of the CIO and showed the way to the American people of industrial unionism.

Mr. TAVENNER. Was your first association with it at the time that it was one of the largest of the IAM?

Mr. BURDICK. No; it was an independent union.

Mr. TAVENNER. What was the approximate date?

Mr. BURDICK. It was November 1933. I remember being out on strike 15 weeks during the coldest winter we ever had, 14 degrees below zero.

Mr. TAVENNER. The TUUL was just in its last days about that time, between '33 and '35. Did you have any connection with it?

Mr. BURDICK. I was a worker in a shop that didn't know from beans except that the union helped me get an increase in wages and one holiday with pay.

Mr. TAVENNER. Let me ask you this: The TUUL, which is the Trade Union Unity League, was the American section of the Red International of Labor Unions and a number of American labor unions were affiliated with it.

The Communists found out that they could not sell the Communist Party to the rank-and-file members of those affiliate unions because it had the label of the Communist Party on it, so the organization was disbanded, and according to testimony that the committee has had, it then became the plan of the Communist Party to infiltrate labor in an entirely different way, that is, infiltrate into the leadership of American labor unions.

I want to ask you whether or not after abandonment of the TUUL, you ascertained any information indicating that the Communist Party was endeavoring to advance the policy of infiltration into the leadership of the unions in this country.

Mr. BURDICK. I didn't quite follow you thoroughly.

Mr. TAVENNER. I ask you if you became aware in your vast experience in labor unions of an effort of the Communist Party to infiltrate the leadership of labor unions.

Mr. BURDICK. This sounds like a pretty tricky one to me. I must assert my rights under the Constitution.

Mr. TAVENNER. It is a simple question, if you want to answer it honestly.

Mr. BURDICK. I have answered you. I assert my rights under the Constitution not to testify against myself.

Mr. TAVENNER. Then you will not give this committee the benefit of any information you have on that subject?

Mr. BURDICK. I assert my rights not to testify.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Burdick, in view of your observation that you felt the UE was the forerunner of the CIO, I think it might be very appropriate to read into the record at this point a statement by Mr. Walter Reuther, president of the UAW-CIO, in connection with witnesses who have asserted their constitutional rights.

Quoting Mr. Reuther:

We have no quarrel with the professed purpose of the House Committee on Un-American Activities. Each witness appearing before these committees must of course make his own individual decision as to the course of action which he will follow in his testimony. This is a matter of individual conscience and judgment. However, we in UAW-CIO sincerely urge every witness called before the House Un-American Activities Committee, if it is at all possible to do so, to avoid using the fifth amendment. Protecting the good name and reputation of innocent people and their families does not absolve the former Communist from his patriotic duty as a citizen to testify fully of his firsthand knowledge of the names and activities of any Communist Party functionaries, of any illegal activities or of any evidence of conspiracy to overthrow the Government by force and violence or evidence of a nature which would serve to strengthen its security of our Nation, while at the same time refusing to testify in any matter about which he has no direct firsthand knowledge or any matter which happened so far in the past that his memory cannot be relied upon with any degree of accuracy. We of the UAW-CIO believe that this is the hour when America needs to take inventory and we dedicate ourselves to the basic principles and values which have been the source of our greatness. UAW-CIO through the years have practical experience in the forefront of fighting against communism fully recognizes and understands the danger of the Communist world conspiracy. We support and shall continue to support every effort of our Government to meet this threat. We shall, however, resist every effort on the part of any apostle of fear, hatred, or hysteria who would try to destroy the very freedom we are dedicated to preserve.

As a free people we must demonstrate the courage and good sense to resist the use of Communist and totalitarian methods under the guise of fighting communism.

Any other questions?

Mr. SCHERER. I have some.

Witness, I don't want to labor this point too much, but there are some things that are not yet clear to me. I believe you have admitted that you signed the affidavit of non-Communist union officer on the 6th day of January 1950. Is that right?

Mr. BURDICK. That is right.

Mr. SCHERER. And was the witness Pollock with you when you signed that affidavit?

(The witness conferred with his counsel.)

Mr. BURDICK. I must exercise my right not to testify against myself.

Mr. SCHERER. Where were you when you signed that affidavit?

Mr. BURDICK. I believe I went to the attorney's office.

Mr. SCHERER. Who was the attorney?

Mr. BURDICK. Morton Stavis.

Mr. SCHERER. Mr. Stavis, I see, acted as the notary before whom you swore to this affidavit. Now, have you any recollection of what time of the day it was when you signed that affidavit?

Mr. BURDICK. Frankly, I don't.

Mr. SCHERER. Was the letter of resignation from the party dated that same day, also prepared in Mr. Stavis' office?

Mr. BURDICK. That is what I was referring to before when I said you get the feeling here you are trying to be tricked into saying something. I have answered that question several times, and I have indicated to you that I insist on asserting my right and I think it is sure enough, definite enough, not to testify against myself under the fifth amendment to the Constitution.

Mr. SCHERER. You did resign on that day; did you not?

Mr. BURDICK. Same answer.

Mr. SCHERER. Isn't it a fact, Witness, that you and Pollock both appeared in Mr. Stavis' office on January 6, and simultaneously signed the non-Communist Taft-Hartley affidavit and the letter of resignation to the Communist Party?

Mr. BURDICK. Same answer.

Mr. SCHERER. There is one observation I would like to make. There is on this non-Communist affidavit a stamp showing the time it was filed. With whom did you have to file it?

Mr. TAVENNER. National Labor Relations Board.

Mr. SCHERER. Showing the time of day that it was filed with the National Labor Relations Board. When you signed this affidavit, Mr. Burdick, were you telling the truth at that time?

(The witness conferred with his counsel.)

Mr. BURDICK. Why do you ask me a question like that? I don't understand it. If I signed it, I signed it, and it stands for itself. I don't know why you ask it and therefore I must exercise my privilege not to testify against myself. There must be a reason for it. I am not a lawyer.

Mr. SCHERER. You have a very competent lawyer at your side. You asked me why I asked you this, because I have asked other witnesses.

Mr. BURDICK. Why do you ask that question? Doesn't it stand on its own? I know that McInerney testified before your group, I believe that he went over these affidavits of the UE many, many times, three times he said, which is usually for the FBI, and never found any evidence of Communist activity. He made that statement before you.

Mr. DOYLE. We heard that from another witness today relating to the same incident you are now referring to, so both of you were apparently well-informed to testify to the same fact.

Mr. TAVENNER. The records should show at this place, Mr. McInerney has never been a witness before this committee.

Mr. SCHERER. To go back to my question, were you telling the truth in this affidavit?

Mr. BURDICK. I have answered you and my answer is the same.

Mr. SCHERER. What is that answer?

Mr. BURDICK. That I refuse to testify against myself.

Mr. SCHERER. That isn't testifying against yourself.

Mr. BURDICK. And assert my right not to testify against myself under the Constitution. I don't know why you are asking it and I must make that statement for that reason.

Mr. SCHERER. It isn't a question of why I am asking it. I am at a loss to understand, witness, why you now say that it will incriminate you to tell us whether or not—

Mr. BURDICK. I didn't say it would incriminate me.

(The witness conferred with his counsel.)

Mr. BURDICK. Excuse me. I was listening to counsel. You were at a loss and I am at a loss too. We are both lost. Let's go home.

Mr. DOYLE. I would like to have you find yourself and give us the facts.

Mr. SCHERER. I am asking you a simple question. Did you tell the truth when you swore to this affidavit before your own lawyer who acted as a notary on January 6, 1950, and you said to me you refuse to answer the question, you refuse to tell us whether or not you told the truth under oath on this day, and you refuse on the basis of the fifth amendment, namely, that if you did tell us whether or not you told the truth at that time, you would be incriminating yourself. I am at a loss to understand the position you take.

Mr. BURDICK. I don't remember using the words "incriminating myself."

Mr. SCHERER. That is what it means.

Mr. BURDICK. I know under the Constitution I have a right not to testify against myself on any question you raise and I am invoking the fifth amendment.

Mr. SCHERER. On four other occasions, Mr. Burdick, you swore under oath that you were not a member of the Communist Party in complying with the provisions of the Taft-Hartley Law. I must ask you if you were telling the truth on those four occasions when you so swore.

Mr. BURDICK. Same answers.

Mr. SCHERER. Let's put it this way, then—duly.

Mr. BURDICK. Same answer.

Mr. SCHERER. On February 23, 1951; on February 11, 1954; on February 21, 1952, and on February 25, 1953, which are the dates that you signed these non-Communist affidavits, were you at that time a member of the Communist Party?

Mr. BURDICK. Same answer.

Mr. SCHERER. I have no further questions.

Mr. TAVENNER. I would like to have introduced in evidence the first of the affidavits.

Mr. DOYLE. The one in January?

Mr. TAVENNER. Yes, sir; and request that it be marked "Burdick Exhibit No. 1," for identification only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

May I ask the witness a couple more questions. Mr. Burdick, did you continue in the same occupation for the UE on January 6 and January 7? Was there and change in your duties?

Mr. BURDICK. No, there wasn't. I continued on until January 15 or February 15 of this year.

Mr. DOYLE. There was no change of any kind?

Mr. BURDICK. No.

Mr. DOYLE. Referring to that document which I understand you to claim was a resignation from the Communist Party—

Mr. BURDICK. You don't understand anything of the kind.

Mr. DOYLE. You didn't claim it was a resignation?

Mr. BURDICK. I didn't claim anything.

Mr. SCHERER. He refused to answer.

Mr. DOYLE. You refused to answer as to what it was; is that correct?

Mr. BURDICK. I refuse to testify against myself and I plead with you not to keep this up. It merely proves to me I am trying to be tricked.

Mr. DOYLE. I am not able to trick you. I am not trying to. I told you before that I thought this alleged resignation was a phony, and I still think so.

Let me read it to you. Listen to it and see if you can make sense out of it:

In view of the fact that there is frequently so much confusion and loose talk about so much matters, and in order to avoid any possibilities of confusion as to myself, this is to advise you that as of this date I am not a member of your organization.

This was sent to the Communist Party. What confusion was there about yourself that you referred to in this letter to the Communist Party on January 6, the same day you signed the non-Communist Taft-Hartley affidavit before your attorney?

What confusion was surrounding you to which you referred in view of the fact that—

there is frequently so much confusion and loose talk about so much matters and in order to avoid any possibilities of confusion as to myself.

What confusion were you afraid of or tied up with?

Mr. BURDICK. Here again I have to assert my right not to testify against myself.

Mr. DOYLE. I suppose there is no need asking you who worded this resignation. There is certainly confusion on the face of it as to what it means except for the last two lines. I still don't think Mr. Scherer, you and I differ on that. I don't dignify that letter by a resignation. I think it was a phony move and a deliberate attempt to avoid the effect of a Federal statute.

Mr. SCHERER. It is common practice.

Mr. DOYLE. I know it was common practice of the Commies to do that thing.

Mr. TAVENNER. I might remind you that the witness, Mr. Pollock, said it was drawn up purposely to be evasive and ambiguous. I don't believe he used the word evasive, but ambiguous.

Mr. DOYLE. I take the position that you never did resign from the Communist Party, unless you have resigned fairly recently.

Mr. SCHERER. Is my recollection of the testimony of Pollock correct in that he stated that this supposed resignation and the Taft-Hartley affidavit which he and this witness signed were signed simultaneously?

Mr. TAVENNER. He testified that this so-called resignation was signed simultaneously, but I don't believe he was in the position where a Taft-Hartley affidavit was required of him at that time.

Mr. SCHERER. He said that this resignation and this witness' Taft-Hartley affidavit were signed simultaneously.

Mr. TAVENNER. That is right, sir, and he also stated that this witness said that was the reason he had to get this resignation in on that day; therefore it was necessary to send this Western Union messenger.

Mr. SCHERER. And both of them were prepared in the lawyer's office. Isn't that his testimony?

Mr. TAVENNER. Both of the letters of so-called resignation were. I don't know what lawyer's office that was in. It is not in evidence.

Mr. DOYLE. I wouldn't think a lawyer dictated that letter because it doesn't say anything except confusion, until the last two words. Anything else from this witness?

Mr. TAVENNER. No, sir.

(Whereupon the witness was excused.)

Mr. TAVENNER. Mr. Smorodin.

Mr. DOYLE. Witness, please raise your right hand and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMORODIN. I do.

TESTIMONY OF TED SMORODIN, ACCOMPANIED BY COUNSEL, DAVID SCRIBNER

Mr. TAVENNER. What is your name, please?

Mr. SMORODIN. Ted Smorodin. S-m-o-r-o-d-i-n.

Mr. TAVENNER. It is noted you are accompanied by counsel. Will counsel please identify himself for the record.

Mr. SCRIBNER. David Scribner, 11 East 51st Street, New York City.

Mr. TAVENNER. When and where were you born, Mr. Smorodin?

Mr. SMORODIN. Buffalo, N. Y., September 11, 1911.

Mr. TAVENNER. Do you live in the city of Newark?

Mr. SMORODIN. I do.

Mr. TAVENNER. How long have you been a resident of the State of New Jersey?

Mr. SMORODIN. 1940.

Mr. TAVENNER. Prior to 1940 where did you reside?

Mr. SMORODIN. In Philadelphia for a short while, and previous to that in Brooklyn.

Mr. TAVENNER. What years did you live in Brooklyn?

Mr. SMORODIN. Between the years of 1930 and 1939, somewhere around that.

Mr. TAVENNER. Did you reside the entire period between 1930 and 1939 in Brooklyn?

Mr. SMORODIN. Yes, sir.

Mr. TAVENNER. During that period of time did you travel outside of the continental United States?

Mr. SMORODIN. I will decline to answer that question on the grounds of my privilege under the fifth amendment.

Mr. TAVENNER. Did you apply for a passport to travel to a foreign country?

Mr. SMORODIN. I will give you the same answer on that question, Mr. Counsel.

Mr. DOYLE. I instruct you to answer that question. It is very pertinent and we believe it very proper for a congressional committee of the United States Government to know where its citizens are traveling in the world.

Mr. SMORODIN. Mr. Chairman, I consider this committee an enemy of my union and an enemy of myself, and therefore I will do nothing

to put my neck in its noose. I assert my privilege of the fifth amendment in answer to your question.

Mr. DOYLE. I might say we are enemies on an official basis and level of the Communist Party of your union, no question about that. And we will stay that way.

Do you still refuse to answer that question in spite of the fact that you are instructed to do so?

Mr. SMORODIN. I assert my privilege under the fifth amendment.

Mr. TAVENNER. Were you at any time in the Soviet Union?

Mr. SMORODIN. Same answer.

Mr. TAVENNER. Did you attend the Lenin School?

Mr. SMORODIN. Same answer.

Mr. DOYLE. I instruct the witness to answer that question.

Mr. SMORODIN. I assert my privilege under the fifth amendment, Mr. Chairman.

Mr. TAVENNER. You say you left Brooklyn in 1939. At that time did you go to the city of Philadelphia for employment?

Mr. SMORODIN. That is about the date.

Mr. TAVENNER. How long were you in Philadelphia?

Mr. SMORODIN. A little less than a year.

Mr. TAVENNER. What was the nature of your employment in Philadelphia?

Mr. SMORODIN. I worked at the New York Shipbuilding Corp. in Camden.

Mr. TAVENNER. While in Philadelphia did you become acquainted with Jacob S. Karlin?

Mr. SMORODIN. I will refuse to answer that question on the grounds that I do not want to testify against myself.

Mr. TAVENNER. Mr. Karlin was a witness before this committee on October 14, 1952. I will read to you the questions and answers as far as they appertain to you.

Mr. NIXON. Now, following these classes, were you assigned to any particular cell or branch?

This was a question directed to Mr. Karlin.

Mr. KARLIN. Yes, sir.

Mr. NIXON. Of the Communist Party.

Mr. KARLIN. Yes, sir.

Then Mr. Karlin continued.

I was assigned to the RCA cell, the industrial branch, RCA cell.

Mr. NIXON. Would you give us the identity of the leader or the principal individuals in that at the time of your assignment to it?

Mr. KARLIN. Ted Smorodin was at one time a leader.

Was Mr. Karlin testifying truthfully or falsely when he identified you as a one-time leader of the RCA Cell, Industrial Branch of the Communist Party in Philadelphia?

Mr. SMORODIN. Well, if you prefer to take the word of a stool pigeon as far as I am concerned I will stand on my rights under the fifth amendment, plead its privileges.

Mr. TAVENNER. It is not whose word I would take, sir, it is a question of whether or not you deny that he was telling us the truth or affirm it.

Mr. SMORODIN. Mr. Karlin is a well-known stool pigeon throughout all of Camden, and if your prefer to take his word that is up to you.

Mr. TAVENNER. Apparently you have known him.

Mr. SMORODIN. All Camden has known him.

Mr. TAVENNER. How long a period of time have you known him?

Mr. SMORODIN. I will assert my right once more under the fifth amendment.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. DOYLE. I direct you to answer. You volunteered acquaintance and knowledge of him.

Mr. SMORODIN. I did not volunteer acquaintance and knowledge of him. I volunteered his reputation is well known throughout all Camden as a stool pigeon and I will take the privilege of the fifth amendment in answering that question.

Mr. SCHERER. Is that the only way you know this man Karlin, by his reputation?

Mr. SMORODIN. Same answer.

Mr. SCHERER. Isn't it a fact you just lied to us when you said that you only know him by his reputation as a stool pigeon?

Mr. SMORODIN. Maybe you are accustomed to lying. I am not accustomed to lying, and I will give you the same answer as to the previous question.

Mr. SCHERER. Did you lie?

Mr. SMORODIN. Same answer.

Mr. TAVENNER. Were you a member of the Communist Party while you were in Philadelphia?

Mr. SMORODIN. I will assert the privilege of the fifth amendment once more. I will do nothing to help this committee smear my union or any other union, and I intend to continue in the same way no matter how many times you ask that question or how many forms you ask it in.

Mr. SCHERER. Isn't it a fact you were in Russia and attended the Lenin School and were instructed in sabotage?

Mr. SMORODIN. I will answer that question the same way.

Mr. SCHERER. Do you mean to tell me that you are going to take the fifth amendment on that question?

Mr. SMORODIN. I mean to tell you exactly what I told you, as far as I am concerned I have never had anything to do with sabotage, espionage or any other kind of activities of that type against this country.

Mr. SCHERER. I didn't ask you whether you participated in any sabotage because frankly I have no knowledge of your participation. I wouldn't want to leave that inference.

Mr. SMORODIN. You certainly did.

Mr. SCHERER. No, I didn't. I wanted to know whether in the Lenin School, because I know what they teach in the Lenin School, you received instructions in sabotage.

Mr. SMORODIN. You must have gone there, then.

Mr. SCHERER. Did you?

Mr. SMORODIN. You must have gone there. I answered that question.

Mr. SCHERER. Will you answer it again?

Mr. SMORODIN. Yes; I will assert my privilege under the fifth amendment.

Mr. SCHERER. Did you receive any instructions in sabotage so that when the time came, you perhaps might be able to use that knowledge?

Mr. SMORODIN. Mr. Chairman, I stated before and I will state once more than I never in my life had any connection with any activities concerning sabotage, espionage, or any related activities.

Mr. SCHERER. That wasn't the question.

Mr. SMORODIN. I will repeat that as many times as he asks that question.

Mr. SCHERER. I didn't make the charge nor did I intend to leave that inference. I think my question is plain.

Mr. SMORODIN. Your inference is very plain, too.

Mr. TAVENNER. You came to Newark, N. J. in 1940, I understand.

Mr. SMORODIN. To Newark, no, sir; I did not.

Mr. TAVENNER. When did you come?

Mr. SMORODIN. You asked me how long did I live in New Jersey and I said, since 1940. I have lived in Camden.

Mr. TAVENNER. What was your employment in Camden?

Mr. SMORODIN. I worked at the New York Shipbuilding Corp., and then after about 1946 worked at the RCA Corp. of America.

Mr. TAVENNER. Then what was the date that you moved to Newark?

Mr. SMORODIN. Somewhere around February 1952.

Mr. TAVENNER. What was the occasion for your moving to Newark in 1952?

Mr. SMORODIN. The occasion was that my assignment as a field organizer in the UE took me up to this part of the State most of the time, and I felt this was where I should live.

Mr. TAVENNER. When were you first made an organizer of the UE?

Mr. SMORODIN. In the latter part of 1946.

Mr. TAVENNER. While you were at Camden?

Mr. SMORODIN. That is correct.

Mr. TAVENNER. Were you working for RCA?

Mr. SMORODIN. No, sir.

Mr. TAVENNER. Where were you working at that time?

Mr. SMORODIN. I had just been laid off from the Westinghouse Corp. in Essington, Pa., to which I went after the RCA layoff.

Mr. TAVENNER. While you were working for RCA did you hold any office in the UE?

Mr. SMORODIN. No, sir.

Mr. TAVENNER. Were you a member of the Communist Party prior to your becoming an organizer in the UE?

Mr. SMORODIN. Mr. Chairman, this committee might smear my union and might smear me and might put my neck in a noose, but not with my help, and I refuse to answer that question on the privilege of the fifth amendment.

Mr. TAVENNER. We are not trying to smear your union.

Mr. SMORODIN. You are trying.

Mr. TAVENNER. We merely want the facts as to the extent, if any, in which the union you happen to represent is controlled by the subversive program of the Communist Party.

You are in that union and we have, we believe, substantial evidence that you are also in the Communist Party. We are operating under a Federal law, Public Law 601 in which we are expressly directed as a committee of your Congress to find out the extent to which there is subversive control in any union or any other group. That is why we are here. We are not trying to smear you.

Mr. SMORODIN. If you have any evidence of wrongdoing on my part, you know very well what to do about it. As far as controlling my union, there is only one outfit which controls my union and that is the membership. I repeat what other people of my union said in

this chair. This is the most democratic union in this country. I have been in AFL, CIO, and other independent unions, and this is the most democratic union of them all as far as membership controlling of this union. That is the only one controls this union.

Mr. SCHERER. Your union was expelled by the CIO for being Communist controlled.

Mr. SMORODIN. That is your opinion.

Mr. SCHERER. Is it not a fact that your union was expelled from the CIO for being Communist controlled or Communist dominated?

Mr. SMORODIN. My union left the CIO because they would not be dominated by a body that would tell them how to tell their membership how to vote, how to tell their membership how to think and also to dictate to their membership as to other policies. We say our membership has a right to determine for itself. That is why our union left the CIO.

Mr. SCHERER. Communist domination of the UE had nothing to do with your separation from the CIO?

Mr. SMORODIN. That is my opinion.

Mr. DOYLE. You volunteered this information about the control of your union. We have had evidence under oath both here and elsewhere to the fact that very frequently the Communist members of the UE, most of them being officers of the UE, at least at the district level, would hold a caucus or meeting before the union itself decided what should be done, and then they passed the line on down to the Communist members in the union. Now, did you ever attend that kind of a caucus of the Communist Party members of the UE?

Mr. SMORODIN. Mr. Chairman, I say again that if you prefer to believe the word of stoolpigeons and paid informers and other assorted finks, that is O. K. with me, except I will stand on the privilege of the fifth amendment.

Mr. SCHERER. What did you say?

Mr. SMORODIN. Finks, f-i-n-k-s.

Mr. SCHERER. What does that mean?

Mr. SMORODIN. You don't have much to do with labor or you would know what a fink is.

Mr. SCHERER. You tell me.

Mr. SMORODIN. A fink is the lowest sort of humanity. A fink is a man that would squeal on his fellowman for a buck. A fink is a guy that would scab when there is a picket line outside his shop trying to get higher wages for him and his fellow workers. That is a little description of a fink. You have had them enough before your committee to know what a fink is.

Mr. SCHERER. He isn't quite as low as a fellow who would take instructions in the Lenin School in Russia, is he?

Mr. SMORODIN. I would rather not get into a discussion with you on that. I will take my privilege under the fifth amendment.

Mr. DOYLE. I felt that you knew we had evidence under oath both here and elsewhere that the Communist Party members of the UE, the organization you work for, did hold pre-caucuses and pre-meetings to determine what the union line should be as a matter of policy and then the Communist Party members of the UE undertook to control that policy.

I felt that as one of the leaders of the UE in this area it was a fair question to ask you whether or not you knew of any such meetings

because our official duty, whether you like it or not, is not to smear you nor the union, but to get the facts and report to Congress the extent to which a totalitarian subversive group of American workmen whether they are in unions or elsewhere, are undertaking to control the activities of organizations in our country. I don't know of any more important level of activity than the working people of my country. You are one of its leaders. You volunteered this matter of control. You yourself suggested that you had the most democratic control in the UE of any labor group. I think under your volunteering that statement that I have the right and you should expect me to go into the question of how your union is controlled. Therefore, I ask you if it is a fact that a group of Communists held these caucuses and meetings, and if you had ever attended one to participate in that kind of control of your union. Isn't that a fair question?

Mr. SMORODIN. No, it isn't.

Mr. DOYLE. Why is it not? You volunteered the matter of control.

Mr. SMORODIN. I think I explained how my union is controlled and if you have been investigating my union, which you have been doing quite a bit of, you should know how my union is controlled and as far as getting me into a trap on Communist caucuses, and these other horror stories, these stoolpigeons have filled this committee record with, I want no part of it and I will take the fifth amendment every time you ask me a question like that.

Mr. DOYLE. I won't waste your time. The record is perfectly clear about your attitude toward this committee as a committee of Congress, your own Congress.

Mr. SMORODIN. That is right. And this committee does it no credit.

Mr. DOYLE. I think we have a balance on the ledger in our favor as a committee of Congress.

Mr. SMORODIN. You yourself thought so not too long ago when you voted against appropriations for this committee.

Mr. DOYLE. That is right, I voted against appropriations for this committee years ago because this committee years ago did not allow a witness to have a lawyer by his side in a hearing room. I am still very proud of the fact that I fought this committee in those years because I felt it was not the democratic way. Now we urge lawyers be present.

Mr. SMORODIN. Why don't you fight for the right for my lawyer to cross-examine the stoolpigeons.

Mr. DOYLE. Your lawyer knows it is absolutely impracticable for this sort of thing to occur. It would not work.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. SMORODIN. I will plead my privilege under the fifth amendment and answer that question as you very well knew I would.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Thank you very much. You are excused.

(Whereupon the witness was excused.)

The committee will recess until 9:30 tomorrow morning.

(Whereupon, at 5:25 p. m. the hearing was recessed, to reconvene at 9:30 a. m. the following day, Wednesday, May 18, 1955.)

(Remainder of these hearings for May 18 and 19 and July 13, 1955, printed in part II of this series.)

BOSTON PUBLIC LIBRARY



3 9999 05706 3198

3198

= New York area
pbs 1-4

3199 = Fort Wayne

3190 = Seattle pbs 1-2

3191 = Milwaukee pbs 1-2

3192 = Newark pbs 1-2

